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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

POLAND*

[7 June 1996]

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* The second periodic report concerning rights covered by articles 6 to 9 (E/1984/7/Add.26 and 27) submitted by the Government of Poland was considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1986 session (see E/1986/WG.1/SR.25-27). The second periodic reports concerning rights covered by articles 10 to 12 (E/1986/4/Add.12) and by articles 13 to 15 (E/1990/7/Add.9) were considered by the Committee on Economic, Social and Cultural Rights at its third session (see E/C.12/1989/SR.5-6) in 1990 and at its seventh session (see E/C.12/1992/SR.6, 7 and 15) in 1992, respectively.

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Article 6. The right to work

Ratified international instruments

1. Poland is a party to the following Conventions:

International Labour Organization (ILO) Employment Policy Convention, 1964 (No. 122);

ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111);

International Convention on the Elimination of All Forms of Racial Discrimination;

Convention on the Elimination of All Forms of Discrimination against Women.

Labour market situation

2. According to statistical data of the Central Statistical Office, since the beginning of the 1990s a declining trend has been observed in Poland both as regards the number of people working and total employment (see table 1). The working population at the end of 1994 totalled 14,924,000. This means that, as compared with December 1990, the number had decreased by 1,217,400, that is by more than 9 per cent. The number of people employed during the years 1990-1994 decreased by 1,121,300, that is by 11.6 per cent. In 1993, as compared to 1990, the number of people employed on a part-time basis had decreased in the main place of work by around 18 per cent (from 601,900 in 1990 to 494,400 in 1993).

3. During the years 1990-1993 the number of people employed on a part-time basis decreased by 160,700, that is by 19 per cent. However, in the general employment structure the share of people employed on a part-time basis decreased only by 0.3 per cent, that is from 7.9 per cent at the end of 1990 to 7.6 per cent at the end of 1993.

Table 1. Working people and wage earners over the period 1990-1994 (as on 31 December, in thousands)

	1990			1991			1992			1993			1994		
	T	M	W	T	M	W	T	M	W	T	M	W	T	M	W
Working population - total	16 145.4	8 784.3	7 361.1	15 442.6	8 417.3	7 025.3	15 010.9	8 149.7	6 861.2	14 761.2	7 853.7	6 907.5	14 924.0	7 915.6	7 008.4
Total employment	10 797.2	5 827.0	4 970.2	9 921.0	5 388.7	4 532.3	9 448.6	5 072.8	4 375.8	9 157.8	4 783.9	4 373.9	9 675.9	5 103.4	4 572.5
Incl employed part-time in the main place of employment	601.9	270.0	331.9	551.7	257.6	294.1	487.7	227.8	259.9	494.4	227.8	266.6	546.7	248.0	298.7
Total underemployment	862.7	413.2	449.5	787.2	388.1	399.1	695.3	341.2	354.1	702.0	339.7	362.3	761.4	359.4	402.0
Performing more than one job a/	-	-	-	-	-	-	955	646	309	1 049.0	706	342	1 049.0	695	354
Economically active population	17 817.5	-	-	18 213.2	-	-	18 445.6	-	-	17 650.8	-	-	17 760.5	-	-
Working population as % of economically active population	90.6	-	-	84.8	-	-	81.4	-	-	83.6	-	-	84.0	-	-

a/ Working in more than one place.

T = Total
M = Men
W = Women

The unemployed

4. Unemployment emerged in Poland in 1990, thus it is a relatively new phenomenon. It diametrically transformed the labour market. Before 1990 we were faced by the problem of a labour deficit and after 1990 we were confronted by a relative surplus.

5. We present below data as to the number of unemployed, the increase in unemployment and the rate of unemployment for the years 1990 to 1994.

Table 2. Selected data concerning unemployment (as on 31 December)

Year	No. of unemployed (thousands)	Unemployment increase (thousands)	Unemployment rate (%)
1990	1 126	1 126	6.3
1991	2 156	1 030	11.8
1992	2 509	353	13.6
1993	2 890	381	16.4
1994	2 838	- 52	16.0

6. Among the characteristic features of unemployment during the period 1990-1994 we should mention the following:

Persisting wide variations in the unemployment rate between voivodeships, ranging, at the end of 1990, from 2.1 per cent in Warsaw voivodeship to 11.5 per cent in Suwałki voivodeship; at the end of 1993, from 7.2 per cent in Kraków voivodeship to 26.7 per cent in Koszalin voivodeship; at the end of 1994, from 7.5 per cent in Warsaw voivodeship to 30.5 per cent in Słupsk voivodeship;

The high proportion of unemployed in the young age groups: in December 1991 unemployed people aged between 18 and 34 years accounted for 63.2 per cent of total unemployment; at the end of 1993, 62.8 per cent, and at the end of 1994, 61.9 per cent;

The increasing proportion in the overall unemployed population of people with basic vocational education, as well as primary and incomplete primary education. In 1991 these two groups accounted for 67.4 per cent of total unemployment, and at the end of 1993 and in 1994 for 71.4 per cent of total unemployment;

The persisting slightly higher share of women than men in unemployment: at the end of 1991, 52.6 per cent; at the end of 1993, 52.2 per cent; and at the end of 1994, 52.7 per cent;

The large proportion of long-term unemployed: in December 1992 (when information on this group of unemployed people was acquired for the first time), 45.2 per cent of unemployed people waited for a job for a period exceeding 12 months; at the end of 1993, 44.8 per cent, and at the end of 1994, 42.8 per cent;

The stabilizing share of graduates: at the end of 1991 they accounted for 10.3 per cent of the total figure; at the end of 1993, 7.1 per cent; and at the end of 1994, 7.4 per cent.

7. Detailed data concerning different categories of unemployed people are contained in table 4.

8. An important role in counteracting the negative effects of unemployment is played by the Labour Fund, created on the basis of the Act of 29 December 1989 concerning employment. Financial resources from the Labour Fund are allocated for the introduction of a system of unemployment benefits, and to support active forms of counteracting unemployment, that is training and vocational training, intervention works, public works, loans to enable the unemployed to start an economic activity, and loans for the creation of new jobs by employers.

Table 3. Labour Fund expenditures, 1990-1994

Year	Total (milliard zlotys)	Measures to create employment	Percentage
1990	3 702	1 187	32.1
1991	13 584	947	7.0
1992	22 827	1 073	4.0
1993	31 903	3 545	11.1
1994	44 600	5 850	13.1

9. Labour offices staff numbered 2,000 before 1990 and at present number 12,000. (However, for one labour office employee there are still 237 unemployed people.)

Activities undertaken to create new jobs

10. In accordance with article 12, items 1, 2 and 3, of the Act of 14 December 1994 concerning employment and counteracting unemployment (Dziennik Ustaw No. 1 of 6 January 1995), the employment services of local labour offices are obliged to render assistance to unemployed people and other job-seekers in acquiring appropriate employment and to employers in finding appropriate workers. Placement is free of charge and is carried out in accordance with the principles of accessibility, voluntary character, equality and publicness.

11. In addition, employers are obliged to inform local labour offices of current job vacancies or vacant vocational training places. Free access to

information on job offers and to placement services is guaranteed; however, the problem of the lack of job vacancies remains. There is an estimated shortage of around 1.5 million vacancies.

12. The employment services also implement programmes, specified in the Act of 14 December 1994, concerning employment and counteracting unemployment, to promote the employment of jobless people in the form of:

Intervention works (refunding to employers of a part of remuneration and social insurance contributions for people employed in establishments who, without such government assistance would lose their jobs);

Public works (refunding of a part of remuneration and social insurance contributions to organizers of work in the field of infrastructural investments).

13. In addition, loan programmes are implemented to support the starting up by the unemployed of individual economic activity, and to support the creation of additional jobs by employers. If there is no possibility of providing unemployed people with appropriate employment (including employment subsidized from the Labour Fund) or training, labour offices grant and pay - in accordance with principles determined by legislation - unemployment benefits.

Guarantees of freedom for the individual

14. The legislation which ensures that there is freedom of choice of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual is the following: Constitution of 1952 and the Small Constitution of 1992, as well as the Act of 14 December 1994 concerning employment and counteracting unemployment. These legal acts guarantee to Polish citizens and to foreigners with permanent residence cards or refugee status the right to work and free choice of employment.

Difficulties encountered in attaining the objective of full employment

15. Unemployment in Poland is mainly structural in character. It is an obstacle to achieving full, productive and freely chosen employment. The long-term unemployed give up looking for jobs in their specialized fields in favour of obtaining some sort of employment. Improvement of placement services results in more effective activity towards obtaining job offers and in increasing ability to match candidates for jobs with job offers.

Protection of the unemployed

16. The unemployed come into the following categories, in accordance with the Act of December 1994:

Able to work;

Ready to take up an employment contract;

Jobless and not attending a school, with the exception of evening and extra-mural classes;

Registered with the appropriate local labour office (from the standpoint of place of residence), if he/she:

Has reached 18 years of age (with some exceptions for this minimum age with regard to graduates of vocational training);

Has not acquired the right to an old-age or disability pension or after the termination of employment does not receive a rehabilitation benefit or a sickness, maternity or child-care allowance;

Is not the owner (nor the spouse of an owner) of an agricultural estate, with arable land exceeding an area of two hectares or a farm belonging to a special branch of agricultural production in the meaning of tax legislation;

Does not carry on an economic activity outside agriculture and is not covered - on the basis of separate provisions - by compulsory social insurance or pension security;

Is disabled and his/her state of health allows for starting employment (at least on a half-time basis);

Has not reached the age of 60 years (for women) or 65 years (for men).

Unemployment allowance

17. The allowance is payable to an unemployed person for each day after the day of registering if:

In a one-year period, he/she worked for at least 180 days or was subject to social insurance in respect of other activity for a period of at least 180 days;

There are no suitable employment offers for him/her;

There are no proposals of referring him/her to intervention or public works.

The condition of working for at least 180 days in order to receive a benefit need not be fulfilled by people who lost their job as a result of mass lay-offs, by graduates, or after basic military service or child-care leave.

18. The unemployment allowance is payable at the rate of 36 per cent of the average wage in the previous quarter. The period in which the allowance is received cannot exceed 12 months, except in the case of the following groups of people:

Graduates, who are entitled to the allowance for a period not exceeding nine months (thus they receive their first allowance three months after the day they register until one year after the date of graduation);

Graduates receive the allowance at the rate of 28 per cent of the average wage;

Unemployed people who, before registering, were employed for at least 25 years for women and 30 years for men, are entitled to the allowance for a period of 18 months;

Unemployed people with an employment period of 30 years for women and 35 years for men (25 years for women and 30 years for men if they have worked in harmful conditions for a period of at least 15 years), if no more than 2 years are lacking to the date of acquiring pension rights, receive the allowance up to the time they acquire the right to the old-age pension;

Unemployed people who have lost their job as a result of mass lay-offs and who, during the year in which their employment contract was terminated, reached the age of 55 (women) or 60 (men) - receive the allowance to the moment of acquiring the right to the old-age pension.

19. Unemployed people raising at least one child for whom they receive a family allowance or a child under 25 years of age (attending a school on a daily basis or are attending an institute of higher education and not having an income of his or her own exceeding half the minimum wage), if:

The spouse of the unemployed person is also unemployed and has already lost his/her right to the unemployment benefit;

The unemployed person is a single parent and has lost his/her right to that benefit,

are entitled to the unemployment allowance up to the moment of receiving a suitable offer of employment, intervention or public works. In this situation the right to the allowance is not limited to 12 months.

Pre-pension benefits

20. Unemployed people resident in regions considered as threatened by particularly high structural unemployment, who:

Remained in an employment relationship or service relationship for a period of 30 years for women, and 35 years for men;

Have a total employment period of 25 years for women, and 30 years for men, including at least 15 years of employment in particular conditions;

Lost their job in the period between 27 January 1990 and 31 December 1995 for reasons concerning establishments (the so-called mass lay-offs);

are entitled to pre-pension benefits. These people are entitled (up to the time of acquiring pension rights) to an allowance at the rate of 52 per cent of the average wage.

21. The pre-pension benefit is payable from the Labour Fund and the period in which it is received is considered as contributory for purposes of calculating the old-age pension.

22. Every unemployed person, irrespective of whether he/she receives an allowance, is entitled to free medical care provided by the state health service.

Table 4. Total unemployment and particular categories of the unemployed, 1990 to 1994 (as at the end of December, in thousands)

	1990	1991	1992	1993	1994
Total unemployment	1 126.1	2 155.6	2 509.3	2 889.6	2 838.0
Women	573.7	1 134.1	1 338.8	1 507.3	1 495.0
Aged 15-17	-	38.6 a/	14.1	5.5	2.4
Aged 18-34	-	1 362.6	1 599.7	1 814.1	1 756.8
Aged 35-54	-	716.0	851.9	1 013.3	1 020.7
Aged 55 and over	-	38.3	43.6	56.6	58.1
Total graduates	164.3	222.5	185.3	205.0	210.5
Women	95.2	120.0	110.5	12.2	125.2
Without the right to a benefit					
Total	234.4	452.6	1 197.7	1 495.3	1 415.3
Women	127.1	239.9	665.9	842.6	793.9
Unemployment rate	6.3	11.8	13.6	16.4	16.0
Total number of disabled	12.9	21.9	32.3	64.4	76.3
Women	-	9.7	14.0	26.7	31.9
Total juveniles	-	35.6 b/	4.9	2.3	0.6
Girls	-	19.0	2.6	1.0	0.2

a/ Including school graduates.

b/ Excluding school graduates.

Equality of opportunities and treatment in employment

23. The provisions of articles 67, paragraphs 2, 68 and 78 of the Constitution of the Republic of Poland, which have remained in force, guarantee equality of rights to all citizens irrespective of sex, birth, education, occupation, nationality, race, religion, social origin or position. All citizens have the right to work, that is to say the right to employment for remuneration in accordance with the quantity and quality of work.

24. Polish legislation only provides for differentiation because of nationality as regards access to certain kinds of employment. For example, only a Polish citizen may become a civil servant, be appointed a teacher in a public school, be appointed an employee of the Polish postal service or a public service employee.

25. Provisions regulating the employment of foreigners in the territory of the Republic of Poland are contained in the Act of 14 December 1994 concerning employment and counteracting unemployment. They guarantee the right to apply for work to all foreigners with the status of political refugee or who are in possession of a permanent residence permit.

26. Nevertheless, if no experts in a given occupation are to be found on the labour market among Polish citizens or foreigners with the appropriate status, foreigners who do not have the right to work may apply for employment after receiving permission from the appropriate voivodeship labour office.

The situation in rural regions of Poland

27. The number of unemployed people in rural areas at the end of 1994 was 1,154,000 representing 40.8 per cent of total unemployment. The rate of increase in unemployment in recent years was much higher in rural than in urban areas. This exceptionally unfavourable situation is complicated even more by the heterogeneity of the rural population, both from the standpoint of occupational status and of labour market opportunities.

28. Without reducing unemployment in rural areas and without solving the problem of unemployment among the rural population not connected with agriculture, we cannot expect a decrease in registered unemployment in individual agriculture, which currently affects around 37,000 people, or in hidden unemployment, which is estimated to affect between 450,000 and 700,000 people.

29. Some 14.8 million people inhabit rural areas, of whom 41 per cent are wage earners, 39 per cent work in agriculture (29 per cent of them on their own farms) and 20 per cent living on unearned sources of income (pensioners, etc.).

30. The majority of unemployed people in rural areas lost jobs in town, but a considerable proportion lost jobs in rural areas: on state-owned farms, in agricultural cooperatives and cooperatives of other economic units, in institutions connected with agriculture, in commerce or in rural services.

31. Among all people working in individual agriculture we can distinguish three main groups:

People working exclusively on their own farms - 3,721,900 (in 1994 their number was 13.1 per cent higher than in 1988). This growing trend was mainly the result of reduction in employment outside individual agriculture and the lack of job offers for most school graduates, including rural youth. As a result, the number of people working only on an individual farm increased from 1.55 per farm in 1988 to 1.84 in 1994;

The bi-occupational population - combining work on their own farm with work outside this farm - amounted to 1,056,800 in 1994, 157,700 (12.7 per cent) fewer than in 1988. The decrease in their employment was the result of lay-offs in construction, transport and industry, and in establishments situated in a rural environment, especially those of a service character;

People working exclusively outside farming around 352,700 in 1994, that is 48 per cent fewer than in 1988. Such a decrease is the result of the general economic situation of the country, employment reduction in the State sector, the liquidation of institutions in the agricultural environment, cultural and educational institutions, health service institutions, etc.

32. The data of the Central Statistical Office show that women account for 49.6 per cent of total unemployment in agriculture. In the demographic sense, the most numerous group affected are people in the productive age group (55.3 per cent); and within this group, the most affected are people aged from 18 to 24 years (about 15 per cent).

33. A considerable proportion of people in agricultural households are persons in non-productive age groups (44.7 per cent), including persons in the post-productive age group, (35.4 per cent). From the standpoint of education, the most numerous group are people with primary education (52.2 per cent) followed by those with basic vocational education (19.8 per cent) and incomplete primary education (17.8 per cent).

34. Since Polish farms are in general too small to provide employment to all the people living on them, one of the main ways of increasing income in rural households is to take up employment outside the farm. Up to the end of the 1980s, this population was the main source of manpower recruitment for the national industrial and construction sectors.

35. This bi-occupational population is composed of two groups:

Those working mainly on a farm (farmers, farm workers),

Those working additionally on a farm (worker-farmers).

According to a representative rural census of 1994, of the total number of bi-occupational people (1,046,800), the share of people for whom work outside a farm was their main source of income was 74.7 per cent (782,000 people).

In this group there are 673,300 men and 373,500 women. Over the period 1988-1994 the number of bi-occupational men decreased by 16.8 per cent and the number of women by only 4 per cent.

36. The majority of worker-farmers have permanent employment (95.6 per cent) for an indefinite or fixed period. Three-quarters of this group are aged between 18 and 44 years, the prevailing age group being 35 to 44 years. Every second man combining work on a farm with work outside agriculture has a vocational education. Most people combine employment outside agriculture with work on a farm of an area of from 2 to 5 hectares (38 per cent) or from 5 to 10 hectares (25 per cent). Only 1.6 per cent of worker-farmers come from farms of more than 20 hectares. One third of all bi-occupational people come from farms with the lowest level of mechanization and four-fifths from farms with mixed production. The largest number of bi-occupational people inhabit the south-eastern region and the smallest number the northern (1.8 per cent) and the north-eastern (4.3 per cent) regions.

People holding more than one full-time job

37. According to the data for the period from 1992 collected by the Central Statistical Office in the Labour Force Survey conducted in November 1994, 1,049,000 people held more than one full-time job, revealing a growing trend (an increase of 94,000 people) as compared with the situation in November 1992.

International assistance

38. In August 1991, the Government of Poland concluded an agreement with the World Bank on the basis of which Poland was granted a loan for the implementation of a project concerning employment and improvement of employment services. The project covers the following fields:

Management infrastructure for employment and social welfare programmes;

Income support programmes;

Employment services programmes;

Adult training;

Development of small enterprises.

39. Similarly in the framework of the Socio-Economic Development Programme, a component was included in non-reimbursable European Community assistance (PHARE Programme) to support local initiatives in the field of employment and social development.

Legislation

40. The following legislation is relevant to the implementation of article 6.

Act of 23 October 1987 concerning creation of the office of the Minister of Labour and Social Policy (Dziennik Ustaw No. 33, Text 175, with amendments);

Act of 14 December 1994 concerning employment and counteracting unemployment (Dziennik Ustaw of 1995 No. 1, Text 1);

Order of the Minister of Labour and Social Policy of 16 December 1992 concerning organization, detailed principles and scope of activity of the Labour Office, as well as voivodeship and local labour offices (Dziennik Ustaw No. 97, Text 482 with amendments);

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning organization and procedure of the Supreme Employment Council (Dziennik Ustaw No. 122, Text 538);

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning principles for granting loans from the Labour Fund (Dziennik Ustaw No. 122, Text 539).

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning principles for organizing intervention and public works (Dziennik Ustaw No. 122, Text 540);

Order of the Council of Ministers of 24 August 1993 concerning determination of communities (gminas) threatened by particularly high structural unemployment (Dziennik Ustaw No. 82, Text 385);

Order of the Minister of Labour and Social Policy of 19 November 1992 concerning prolongation of a period of receiving allowances in administrative regions (gminas) threatened by particularly high structural unemployment (Dziennik Ustaw No. 87, Text 440, with amendments);

Order of the Minister of Labour and Social Policy of 17 December 1991 concerning the detailed principles for placement, orientation and vocational guidance, registration and records of the unemployed and job seekers, as well as for granting benefits determined in provisions on employment and unemployment (Dziennik Ustaw No. 122, Text 541);

Order of the Minister of Labour and Social Policy of 27 May 1992 concerning the procedure for collecting Labour Fund contributions from people covered by social insurance in respect of other activity outside agriculture (Dziennik Ustaw No. 50, Text 230).

Article 7. The right to just and favourable conditions of work

International instruments ratified

41. Poland is a party to the following ILO Conventions:

Equal Remuneration Convention, 1951 (No. 100);

Weekly Rest (Industry) Convention, 1921 (No. 14);
Labour Inspection Convention, 1947 (No. 81);
Labour Inspection (Agriculture) Convention, 1969 (No. 129).

Methods used for fixing wages

42. The basic principles for fixing wages were amended in 1995 and determined in the Act of 29 September 1994 concerning the amendment of the Labour Code and the amendment of certain Acts. Special importance will be attached to collective bargaining conducted by social partners without any external interference. New collective agreements concluded thanks to these negotiations will be the main source of the labour law.

43. The Act introduces two kinds of collective agreements: agreements at the establishment level and agreements above establishment level. Agreements at the establishment level will be concluded for workers employed by a given employer. However, they will not be concluded in state entities. Agreements at above establishment level can be concluded both at branch or occupational level and, for example, as multi-branch, territorial, territorial-branch, territorial-multi-branch and territorial-occupational agreements. Legal provisions do not directly regulate this issue, leaving decisions in this field to the discretion of the parties to the agreement (the social partners).

44. Collective agreements, at both above establishment and establishment level, are concluded for all employees of establishments covered by the agreement (unless the parties decide otherwise). However, the agreement cannot be concluded for persons nominated to the public service, persons nominated to serve in self-governments, judges and public prosecutors.

Agreements are concluded at above establishment level:

(a) On behalf of the workers, by an appropriate (according to statute) organ of a trade union;

(b) On behalf of the employers by:

  (i) An appropriate (according to statute) organ of an employers' organization, for employers who are members of this organization;

  (ii) The competent minister, on behalf of state entities;

  (iii) The president of a community (gmina) board (the board of a union of communities) on behalf of self-government entities.

45. The subjects regulated by the collective agreements are very broad and to a large degree depend on the parties. However, a basic condition should be fulfilled: with respect to specific issues the provisions of an agreement cannot be less advantageous for an employee than the statutory labour legislation or regulations issued on the basis of that legislation.

46. However, such agreements cannot establish:

(i) Provisions for special protection of workers against termination of the employment relationship;

(ii) Workers' rights in the event of unjustified or illegal termination of an employment relationship, with or without notice, with the exception of remuneration or compensation granted in this respect;

(iii) Liability for breach of order and discipline;

(iv) Maternity and child care leave;

(v) Protection of remuneration.

47. The agreement should observe the provisions of the Labour Code. An amended text of the Code has been submitted to Parliament. In the field of wages it contains, *inter alia*, the following provisions:

(a) Remuneration for work should be determined in such a way that it corresponds to the particular kind of work performed and the skills required in its performance and takes into account the quality and quantity of work performed;

(b) When determining workers' remuneration, remuneration rates and the principles for applying them should be determined for work of a given kind or at a specified post, as well as the amount of and the principles for applying other components of pay if they have been provided for given work;

(c) The following pay components have been considered as universally granted:

The basic wage;

Additional pay for overtime work;

Additional pay for night work;

Remuneration for work outside normal hours in an establishment or in other place designated by an employer (if he has not been granted compensatory time off);

Remuneration for time during which a worker was idle through no fault on his part;

(d) Payment of remuneration should take place at least once a month, with the exception of components of remuneration for periods exceeding one month. In the case of remuneration calculated on the amount of work performed (contract work, work on the basis of a commission), a worker is entitled to an advance payment and the balance promptly after the full remuneration is calculated.

48. The collective agreement must provide for the payment of the above-mentioned wage components and observe the principles for granting them determined in the Labour Code (and in other Acts of Parliament). However, the collective agreement will be free to determine the amount of these components of pay at a higher level than provided in the Labour Code and to determine principles for granting them that are more advantageous for the worker than the principles determined in the Labour Code or other statutory acts.

The minimum wage

49. The role of the minimum wage in the wage system and in the system of other benefits has undergone many changes over the period in which it has operated. It has always established a minimum level, guaranteed by the State, of total or part of remuneration for work.

50. Since 1 September 1990, the basis for fixing the minimum wage has been the lowest full monthly remuneration guaranteed to workers, irrespective of their skills and personal rates, as well as irrespective of the number and kind of wage components applied in establishments. When fixing the minimum wage only the following components have been excluded: bonuses for a period of employment (anniversary bonuses), pension bonuses, rewards from an establishment reward fund, bonuses from profit, payments from balance surplus in cooperatives and remuneration for overtime.

51. The mninimum wage is fixed at a uniform rate for all workers irrespective of their place of employment or sex. The only group to which minimum wage provisions do not apply are juveniles undergoing vocational or on the job training.

Legal force of the minimum wage

52. The minimum wage is fixed by a regulation of the Minister of Labour and Social Policy. The level of the minimum wage is guaranteed by the State. Legal provisions ensure that workers who have not reached the level of the minimum wage receive compensatory payment to reach this level. Wage earners, whose remuneration has been determined to be in violation of the above principles, are entitled to lodge a claim with a labour court.

53. The method of fixing the minimum wage, together with a mechanism for quarterly indexation, negotiated with the trade unions in 1991, allows for the maintenance of the real value of the minimum wage.

Methods for fixing the minimum wage

54. The principles in accordance with which the level of the minimum wage is determined have been in force since the second half of 1991 and were established through negotiations with the trade unions.

55. The minimum wage is fixed on the basis of a basket of goods and services in household budget surveys conducted by the Central Statistical Office. The so-called low consumption level was taken into account, that is the basic expenditures of the first 20 per cent of the total number of workers' households. The basic basket includes all categories of household

expenditures with the exception of expenditure on alcohol, tobacco and private transport. It is updated every year after the results of new household budget surveys are published. In addition, the following are taken into account, in fixing the level of the minimum wage:

> The share of personal remuneration in the average total wage (because the minimum wage does not take into account premiums, share in profits, benefits payable by an establishment);
>
> The average number of people per one economically active person (in order to meet the demands of trade unions concerning the family character of this wage);
>
> The overall rate of growth of prices of goods and services (in order to adjust the level of the minimum wage and prevent it decreasing in real value).

56. The minimum wage is fixed on a quarterly basis. In socially justified circumstances (for example a higher increase in the cost of living than was estimated), the minimum wage agreement allows for additional indexation. Application of the principle of quarterly indexation has allowed for constant growth in the level of the minimum wage at a higher rate than that of the average wage in the national economy. Information on the wage structure in the national economy, including the proportion of people receiving remuneration equal to the minimum wage, comes from the surveys carried out by the Central Statistical Office.

57. On the basis of the surveys 1/ referred to we may say that remuneration near the level of the minimum wage was received in 1992 by around 3.4 per cent of the total number of employees (including 2.4 per cent of employees in the public sector and around 7.7 per cent of employees in the private sector) and in 1993 by 4 per cent of all the employed people (including 2 per cent of employees in the public sector and 9.4 per cent of employees in the private sector). In March 1994 the minimum wage was received by 2.5 per cent of people employed in the national economy (of which in the public sector - 0.9 per cent and in the private sector - 5.1 per cent) and in September 1994, 2.8 per cent of the total number of people employed (of which in the public sector - 0.9 per cent and in the private sector - 6.7 per cent).

58. Supervision of compliance with legal regulations in the field of the minimum wage is exercised by the State Labour Inspectorate, a monitoring organ of the public administration, whose competence covers inter alia investigation of remuneration and other workers' benefits. According to State Labour Inspectorate reports, in 1993-1994, inspectors registered some irregularities in payment of the minimum wage in 2.5 to 3 per cent of enterprises controlled.

Development of average and minimum wages

59. Table 5 presents the level of the minimum wage in comparison with average wage growth and the increase in the cost of living 10 years ago, 5 years ago and at present. 2/

Table 5. Minimum and average wages, nominal and real values (in connection with the increase in the cost of living)

	1983	1988	1993	1994
Net minimum wage in zlotys	5 400	15 000	1 384 400	1 847 170
Net average wage in zlotys	14 475	53 090	3 201 500	4 282 900
Relation of the minimum wage to an average wage in %	37.3	28.3	43.2	43.1
Minimum real wage (1983 = 100)	100.0	89.6	105.8	106.7
Average real wage (1983 = 100)	100.0	118.4	91.3	91.7

Based on GUS data

60. Wages in Poland during the 1980s and in the first half of the 1990s developed under the influence of fast and irregularly increasing prices. For this reason statistical data for certain years are deceptive: they are, for example, the result of considerable price growth in a given year not yet followed by wage growth or, on the contrary, high wage growth, in reaction to the restrained rate of increase in wages in previous years. Such a situation existed in 1988 and data for that year do not show an objective picture of the situation. On the contrary, the relation of the minimum wage to an average wage and the cost of living in 1993 and 1994 may be estimated as typical and indicating processes really taking place in the field of wages.

61. These processes consist in:

A slowing down of the rate of growth of the average wage to a level nearing the dynamics of living costs. Such a wage policy is carried out to prevent inflation;

Higher growth of the minimum wage than of the average wage. This change means a trend towards improvement in the relation between these categories. It was introduced by establishing a new method of fixing the minimum wage.

Monitoring of the minimum wage

62. The monitoring of the effective functioning of the minimum wage is exercised by labour inspectors who sometimes find cases of violation of this system in private establishments.

63. According to statistical studies carried out in September 1993, around 2.5 per cent of employed persons received remuneration below the statutory minimum wage. The minimum wage in Poland is so low that work of good quality is generally not remunerated below the minimum wage level.

Equality of remuneration for work of equal value

64. In Poland the principle of equality of remuneration for work of equal value is recognized. Wage discrimination of workers is not admitted in any form. However, in practice, this principle is difficult to implement and certain inequalities in wages between women and men workers exist.

65. The lower wages of women *vis-à-vis* men are a persistent phenomenon, due mainly to the employment of women in less remunerated sectors of the economy.

Table 6. Average monthly remuneration of women and men by employment groups over the years 1976-1994

	1976	1980	1985	1987	1989	1991	1992 a/	1993 a/	1994
	in zlotys					in thous. zlotys			
TOTAL	4 045	5 907	20 084	29 730	246 778	1 782	3 132	4 066	5 552
Men	4 710	6 885	22 997	33 761	216 699	2 001	3 447	4 546	6 235
Women	3 121	4 582	16 177	23 921	171 455	1 542	2 747	3 533	4 806
Women's wages as % of men's	66.3	66.6	70.3	70.9	79.1	77.1	79.7	77.7	77.1
Manual workers	3 947	6 002	20 357	30 037	244 999	1 670	2 866	3 704	4 973
Men	4 522	6 773	22 792	32 988	210 041	1 855	3 153	4 121	5 518
Women	2 829	4 416	15 257	22 290	155 429	1 308	2 231	2 855	3 868
Women's wages as % of men's	62.6	65.2	66.9	67.6	74.0	70.5	70.8	69.3	70.1
White collar workers	4 238	5 735	19 584	29 199	249 585	1 944	3 546	4 585	6 326
Men	5 290	7 215	23 662	36 713	244 449	2 439	4 385	5 826	8 212
Women	3 464	4 746	17 060	25 603	188 117	1 712	3 122	4 003	5 419
Women's wages as % of men's	65.5	65.8	72.1	69.7	77.0	70.2	71.2	68.7	66.0

Source: GUS "Employment in the national economy by amount of remuneration for September".

a/ For the years 1992 to 1994 - gross wage.

66. The disadvantaged wage situation of women vis-à-vis men is observed in both the private and the public sector. However, in the private sector, the wage situation of women is slightly worse.

67. In Poland there is no organized activity aimed at improving women's wages as compared with men's wages, because the situation in this area is not considered to be discriminatory. In GUS statistical studies no distinction is made between men's and women's wage structures in comparable posts. Thus, it is difficult to state explicitly that women's lower wages mean discrimination. It is considered that these disproportions are mainly the effect of unequal opportunities for advancement and of consistently lower wages in the non-manufacturing sphere, where women are mostly employed.

68. These disproportions are heightened by the persisting division of family roles into women's and men's functions. This division is transferred to the sphere of occupational activity and to cultural norms, according to which lower wages for women are considered to be justified. It is most often the result of unconfirmed convictions as to women's lower productivity and their commitment to family life at the cost of occupational work.

Job appraisal

69. The following are the main types of activity undertaken to promote objective job appraisal on the basis of work performed:

(i) Classification of jobs and specializations

Development of the classification was completed in 1995. The new classification replaced one issued in 1982. Classification of jobs and specializations is the basic instrument of employment, vocational guidance and placement policy. It allows for linkage of the employment system with the education system, for education planning and utilization of labour potential (skills). It is the basis for establishing a registry of personnel and personal records. It allows for making analyses and forecasts concerning the labour market and employment because it determines the basic labour market structure.

The new jobs classification was initiated because of a recognized need to determine the current occupational structure in Poland and that forecast for the near future. It is necessary *inter alia* in order to put into operation a computerized system of labour market services with the following main functions: placement, vocational guidance, training and retraining of workers, employment of the disabled, employment and labour market monitoring and statistics.

70. Ratification by Poland of Convention No. 160 and adoption of Recommendation No. 170 of the International Labour Organization was another important reason for initiating this classification, in addition to the

necessity of adjusting Polish classification to the "International Standard Classification of Occupations ISCO - 1988", adopted at the XIVth International Conference of Labour Statisticians in Geneva in 1987.

71. The choice of classification method in the Polish conditions was the result of a compromise between methodic and substantive accuracy on the one hand and cost and lack of time on the other. As the main method, a comparative analysis of the following documents was used:

> International Standard Classification of Occupations, International Labour Office, Geneva 1987;
>
> Klasyfikacja zawodów i specjalności (Classification of jobs and specializations), Institute of Labour and Social Affairs, Warsaw, 1983;
>
> Klasyfikacja zawodów i specjalności szkolnictwa zawodowego (Classification of jobs and specializations of occupational education), Warsaw, 1982;
>
> Klasyfikacja zawodów i specjalności szkolnictwa zawodowego (Classification of jobs and specializations of occupational education), Warsaw, 1986;
>
> Terminology of directions and specializations in higher education;
>
> Classification of jobs applied in countries with a developed market economy.

The main objective was to apply a principal classification structure based on the ILO international standard classification.

72. A set of occupational tasks performed with slight changes by different individuals in different establishments (workplaces) was used as the basic criterion for defining an occupation. For this reason, the classification is an important contribution towards ensuring more impartial job appraisal.

(ii) Development of a uniform, universal job evaluation method based on analysis and points

73. The aim was not only the development of new skills and position specifications, but also an appraisal of existing wage relations, especially between work posts and occupations. It was planned to draft a wage proportions model, which would be both a basis for appraisal of current wage relations and for activities in the framework of the central wage policy aimed at correct development of these relations. That task required the drafting and application of a uniform method of job evaluation, ensuring equality of measures used to evaluate both manual and white collar work in various fields of production and economic activity.

74. Particular importance was attached by the team developing job evaluation methods to appropriate weighting of the points attributed to different criteria. It also attached special importance to ensuring an impartial appraisal allowing for appropriate differentiation of different categories of

jobs. Taking into account the fact that the methods applied should have a general character, job evaluations criteria were chosen taking into account their universal character. The selected criteria should allow for evaluation of the majority of jobs existing in the national economy. For this purpose also another method was used. It is called "synthetic job evaluation". In enterprises, some other methods of job evaluation are also used to implement the principle of equal pay for work of equal value.

Wages in the public and private sector

75. The table below presents the income distribution of employees in both the public and private sector.

Table 7. Wages by form of ownership a/

	1992	1993	1994
Total in thous. zlotys	2 935	3 995	5 473
Public sector in thous. zlotys	2 968	4 096	5 664
Private sector in thous. zlotys	2 872	3 771	5 067
Private sector as % of public sector	96.8	92.1	89.5

Source: Employment and wages in the national economy in 1992, 1993 and 1994, GUS.

a/ Wages in enterprises with more than five employees.

The table shows that the wage gap between sectors is to the disadvantage of private sector employees. The difference is considerable and growing.

76. Average net wages of manual workers in the public sector amounted to 86.1 per cent of white collar workers' wages in 1993. This gap is larger in the private sector where manual workers' wages in 1993 amounted to only 69.6 per cent of white collar workers' wages. At the same time, manual workers' wages in the private sector are much lower than in the public sector. It should be emphasized that the phenomenon of lower wages in the private sector than in the public sector only concerns manual workers' wages, for non-manual workers being higher in the private sector.

Table 8. Wages for manual and non-manual workers in the public and private sector, 1991 to 1994

	1991	1992		1993		1994
	net	wages		wages		gross
	wages	net	gross	net	gross	wages
Total	1 782	3 132	2 578	4 066	3 325	552
Manual workers	1 670	2 866	2 364	3 704	3 035	4 973
Non-manual workers	1 944	3 542	2 905	4 585	3 740	6 326
Public sector						
Total	1 784	3 148	2 590	4 124	3 375	5 760
Manual workers	1 696	2 916	2 408	3 839	3 144	5 380
Non-manual workers	1 904	3 489	2 864	4 477	3 653	6 158
Private sector						
Total	1 774	3 066	2 525	3 903	3 193	5 231
Manual workers	1 565	2 682	2 220	3 399	2 797	4 336
Non-manual workers	2 151	3 822	3 132	5 022	4 017	6 843

Source: Employment in the national economy by wages in September 1991, 1992, 1993 and 1994, GUS.

77. The ratio of wages in the private to those in the public sector in the years 1991 to 1994 are as follows (in %):

	1991	1992	1993	1994
Total	99.4	97.4	94.6	89.1
Manual workers	92.3	92.0	88.5	80.6
Non-manual workers	113.0	109.5	112.2	111.1

78. It is a characteristic feature of the private sector that the remuneration of managers is very high. Although wages in the public sector are generally higher, they differ according to branch and enterprise.

Table 9. Examples of differentiated wage development in industry in 1993 a/

Branch of industry	Average wages		Private sector wages as % of public sector wages
	Sector		
	Public	Private	
Industry total	4 548.8	3 831.4	84.2
Coke industry	6 110.1	3 753.3	61.4
Power and heating industry	6 834.6	4 536.0	66.4
Building machines and equipment industry	3 721.0	2 478.0	66.6
Electronic apparatus industry	3 390.1	7 070.6	208.6
Precision engineering repair shops and services	3 136.7	5 919.6	188.7
Information media	3 058.8	10 083.3	329.6
Auxiliary units of transport industry	3 419.7	10 954.3	320.3
Pulp and paper industry	3 647.6	5 684.8	155.9
Felt and technical clothing industry	3 737.5	5 688.6	152.2

a/ In enterprises with more than 50 employees.

79. Table 9 shows that in several branches of the private sector wages are lower than in the public sector, whereas in others, especially the information media, they are as much as three times higher. No such spectacular examples can be mentioned in the public sector. The general wage pattern in this sector is that of a large number of workers earning 10 to 20 per cent more than in enterprises of the same branch in the private sector.

Occupational health and safety

80. The constitutional right of workers to safe and healthy conditions of work is set out in detail and developed in the Act of 26 June 1974 - the Labour Code (Dziennik Ustaw No. 24, Text 141, with amendments), which contains the general legal basis for labour protection of a general character; as well as in provisions of the Labour Code. These provisions, together with legal provisions specifying the rights of trade unions and the Social Labour Inspectorate, as well as legal acts governing the activity of bodies responsible for the supervision and inspection of working conditions (the State Labour Inspectorate, the State Sanitary Inspectorate and others) determine the legal framework of the binding labour protection system.

81. The obligations of establishments and workers in the field of occupational safety and health are determined in Part X "Occupational safety and health" of the Labour Code, as well as in Part I "General provisions" and Part IV "Obligations of establishments and workers resulting from an employment relationship". Obligations in the field of occupational safety and health are an integral part of establishments' and workers' obligations (resulting from an employment relationship) and have been described in detail in previous reports under this article.

82. During the period of transformation of the social and economic system in Poland a phenomenon of lack of respect for that part of the labour law concerning occupational safety and health was observed, particularly among newly created private enterprises.

83. The Labour Code, adopted in 1974, was adjusted to another social and economic reality and did not specify all the obligations of establishment managers (employers). Under the management system based on orders which was in force earlier, precise formulation of all the obligations in the field of occupational safety and health did not seem necessary, especially since the private sector was only of marginal importance. Part X of the Labour Code, "Occupational safety and health", as it stands at present, also does not contain all the legal regulations set out in ILO Conventions Nos. 136, 139, 148, 155, 161, 162, 167 and 170, which have not been ratified by Poland, or in Economic Community directives, which could be taken into account in the Labour Code.

84. In 1992, the Ministry of Labour and Social Policy completed work on amending Part X of the Labour Code. The draft changes to this part were included in the draft act concerning the change of the Act-Labour Code and the change of certain Acts. In 1993 and then - owing to the dissolution of Parliament - in 1994, the Sejm of the Republic of Poland started anew the work on the draft act. Adoption of the Act concerning the change of the Act-Labour Code and the change of certain Acts is planned for the beginning of 1996.

85. In accordance with the new proposals contained in the draft amendment of Part X of the Labour Code, a worker will have the right to:

> Refrain from performing work where conditions of work do not correspond to occupational safety and health provisions and create a direct threat to his/her life or health, or if the work performed by him/her causes such danger for other people. If such refraining from work does not eliminate the risk the worker will be entitled to leave the workplace. Refraining from performing work or leaving the workplace does not deprive the worker of his right to remuneration;
>
> Refrain from performing work requiring particular psycho-physical efficiency if his/her efficiency in this field does not ensure safety in performing the work and is hazardous for other people. In this case, the worker does not retain the right to remuneration for a period of refraining from work;

Undergo a medical examination at the expense of the employer - even after termination of an employment relationship - if he/she has earlier performed work in conditions of exposure to carcinogenic substances and factors and dust causing fibrosis.

86. New legal regulations contained in the draft amendment to Part X of the Labour Code also impose upon a worker the obligation of collaborating with an employer in fulfilling obligations in the field of occupational safety and health. In this connection, the worker will also be obliged to ensure appropriate conditions are maintained at his post and in his workplace.

87. The draft amendment of Part X of the Labour Code also contains an important proposal concerning the appointment of occupational safety and health committees by employers employing more than 50 workers. These committees will act as advisory and opinion-pronouncing bodies for the employer and they will be composed inter alia of a social labour inspector, workers' representatives appointed by trade union organizations and - in their absence - by the workers.

88. New proposals - so far not existing in Polish law - contained in the draft amendment of Part X of the Labour Code, impose upon an employer the obligation of:

Informing (14 days before starting an activity) the appropriate State labour inspector and the appropriate State sanitary inspector of the place, kind and scope of activity and the planned number of employees. This obligation will also be imposed upon an employer in the case of change of place, kind and scope of activity, and particularly change of applied technology or production profile;

Equipping work posts with machines and other technical equipment as well as tools meeting the occupational safety and health requirements and equipped with a safety certificate;

Prohibiting the use of resources, materials and technological processes without earlier determination of the degree to which they are harmful and without taking appropriate preventive measures;

Prohibiting the use of chemical substances not marked in a way allowing for their identification;

Prohibiting the use of dangerous chemical substances in inappropriate packages, without adequate marking, not equipped with cards characterizing these substances;

Particular care for the state of health of workers if it is necessary to employ them in conditions of exposure to carcinogenic agents or probable carcinogenic agents, etc.

89. The draft amendment of Part X of the Labour Code also determines principles of cooperation in the field of occupational safety and health in the case where several employers carry out activities at the same site. These employers will be obliged to cooperate and to appoint a coordinator to

supervise activities aimed at ensuring occupational safety and health to all workers on this site. They will also be obliged to determine principles of collaboration taking into account the procedure to be followed in cases of hazard to workers' life or health.

90. The following are the main bodies supervising and monitoring working conditions:

> The State Labour Inspectorate, which reports to the Sejm of the Republic of Poland;
>
> The State Sanitary Inspectorate, which reports to the Minister of Health and Social Welfare.

The State Labour Inspectorate has very broad rights in the supervision of working conditions. It functions on the basis of the Act of 6 March 1981 concerning the State Labour Inspectorate (Dziennik Ustaw of 1985 No. 54, Text 276 and of 1989 No. 34, Text 178). The State Labour Inspectorate reports to the Sejm of the Republic of Poland. Supervision of its activity is exercised by the Labour Protection Council appointed by the Sejm Presidium The State Labour Inspectorate performs its tasks through its district inspectorates.

91. The *ratione materiae* competence of labour inspectorates covers supervision of the observance of labour law provisions in general, including occupational safety and health provisions. As a basic power of the labour inspector we should mention the right to monitor an establishment, including the right to: visit an establishment, demand information in matters pertaining to the competence of the labour inspector and examine documents concerning these matters. If any infringement of occupational safety and health provisions is ascertained, the inspector may take a decision obliging the manager to eliminate such infringement. The following (*inter alia*) may be the subject of such a decision:

> Elimination of infringements of occupational safety and health provisions;
>
> Stopping of work (including the work of an establishment or its part) in the case of direct threat to the life and health of workers;
>
> Transferring to other work people employed, in violation of the legal provisions in force, in harmful or dangerous conditions, etc.

92. As regards preventive supervision, the labour inspector participates in the handing over of newly constructed or modernized workplaces.

93. The labour inspector may impose fines upon individuals for actions subject to penalty referred to in articles 281, 282 and 283 of the Labour Code and the Code of Petty Offences.

94. The activity of the State Sanitary Inspectorate is carried out on the basis of the Act of 14 March 1985 concerning the State Sanitary Inspectorate (Dziennik Ustaw No. 12, Text 49, with amendments). The Inspectorate performs its tasks through voivodeship and local sanitary and epidemiological stations.

95. The mandate of the State Sanitary Inspectorate covers supervision of compliance with sanitary provisions, including occupational health provisions. The supervision is exercised by inspection of workplaces and the sanitary and hygienic premises of establishments, as well as measurement of harmful agents in the working environment. The occupational health section of the State Sanitary Inspectorate is the main unit conducting such measurements, with the assistance of authorized environmental studies laboratories working under its supervision.

96. In the framework of preventive supervision, State sanitary inspectors from the occupational health section:

> Supervise the activity of experts, providing opinions on designs for the construction or transformation of establishments from the standpoint of the hygienic and sanitary requirements;
>
> Monitor compliance with occupational health provisions in such construction work.

In the framework of ongoing sanitary supervision, the State sanitary inspectors from the occupational health section:

(a) Determine strategy for preventing occupational diseases and implement activities in this field;

(b) Monitor compliance by establishments with occupational health provisions;

(c) Issue decisions in the field of occupational health, concerning in particular:

> The elimination of ascertained infringements which may cause occupational diseases;
>
> Medical examinations for employees;
>
> The transfer to other work of employees threatened by or contracting an occupational disease;

(d) Issue orders to a given establishment or part thereof to stop its activity if it is unable to eliminate infringements immediately;

(e) Have the right to take, free of charge, samples of products exerting an influence upon human health;

(f) Apply economic measures (impose fines upon both legal persons and individuals).

Employment-related accidents and occupational disease

97. The table below presents data concerning the number of victims of employment-related accidents and the effects of such accidents.

Table 10. Victims of employment-related accidents and number of days of incapacity for work caused by accidents

Year	Total No. of accidents	Fatal	Serious	Not serious	Women	Juveniles	No. of days of incapacity for work	
							In absolute figures	Per victim
1991	115 972	786	5 339	109 847	20 692	1 240	4 566 283	39.6
1992	102 941	647	3 603	98 691	18 161	1 070	4 081 928	39.6
1993	103 072	659	2 891	99 522	19 576	923	4 234 247	41.1
1994	102 441	645	2 400	99 396	21 073	916	4 235 509	41.3

Source: Statistical Yearbook of the Central Statistical Office, 1995.

The data concerning occupational accidents cover all employment-related accidents and accidents considered as such, except for accidents in individual agriculture.

98. The legislation considers as an employment-related accident a sudden occurrence resulting in injury caused by an external circumstance, which occurs in connection with work, while the worker is performing (or in connection with his/her performing): normal activities, activities upon orders of superiors, or activities performed in the interest of an establishment (even without an order) and during the time of being at the disposal of an establishment on the way from its headquarters to another place to performing duties resulting from an employment relationship.

99. The legislation also considers as an employment-related accident an accident sustained by a worker:

During an official trip;

In connection with his service in establishment and ministerial self-defence formations or in connection with his membership of a compulsory or voluntary fire brigade functioning in an establishment;

When performing tasks contracted by organizations functioning in an establishment, for example occupational organizations.

An accident suffered by any single worker is considered as one employment-related accident, irrespective of whether he/she was the victim of an individual or a collective accident.

100. The legislation considers as a serious employment-related accident an accident as a result of which serious bodily injury occurs, namely, hearing loss, loss of sight, speech, procreative ability, or other injury or health disorder disturbing basic body functions, as well as incurable or life-threatening illness, longstanding mental illness, permanent, complete or considerable incapacity for work in an occupation or permanent serious deformity or disfigurement.

101. An accident is considered as a fatal employment-related accident if, as a result of it, the victim's death occurs at the time of the accident or during the six following months.

102. Employment-related accidents are inter alia classified according to the incidents that give rise to them as well as by cause of the accidents (all shortcomings and irregularities connected with physical factors, with work organization, incorrect workers' behaviour). Every employment accident is the result of one incident, but most often it has several causes. For this reason the total number of causes is higher than the total number of accidents. The following table sets out the main causes of employment-related accidents.

Table 11. Injuries in employment-related accidents by cause of the accident

	1992	1993	1994
Total	102 941	103 073	102 441
Falls	25 459	27 168	26 408
Blow from/crushed by:			
Moving objects	13 334	12 832	12 693
Machinery, equipment, tools and falling objects	27 407	26 384	25 647
Fixed objects	4 066	4 019	4 264
Collision with sharp objects	8 402	8 418	8 885
Effects of harmful chemical and other substances	8 539	8 282	8 651
Fire, explosion, natural forces	2 076	2 178	1 892
Medical emergencies	866	922	943
Other	12 792	12 869	13 058

Source: GUS statistical data.

103. On account of the different definitions of employment-related accidents used in different countries and owing to changes in the system of data collection in this field, for comparative purposes it is possible to give only the number of fatal employment-related accidents:

Year	No. of fatal accidents
1985	1 258
1986	1 025
1987	987
1988	972
1989	913
1990	850
1991	786
1992	644
1993	659
1994	645

104. In Poland, in accordance with the provisions of the Order of the Council of Ministers of 18 November 1983 concerning occupational diseases (Dziennik Ustaw No. 65, Text 294; of 1989, No. 61, Text 364), there is a list of 20 occupational diseases.

Year	No. of people suffering from occupational diseases
1983	8 550
1984	8 747
1985	8 626
1986	9 105
1987	9 845
1988	9 604
1989	8 991
1990	9 326
1991	11 988
1992	10 639
1993	10 955
1994	11 156

Accidents in agricultural work on individual farms

105. In agriculture and the food industry, besides the nationwide legal regulations concerning occupational safety and health protection, there is also branch legislation in the field of occupational safety and health.

106. Individual agriculture is covered by a separate insurance system described in the information provided under article 9, paragraph 3 of the Covenant.

Table 12. Accidents in agricultural work on individual farms, 1988-1993

	Years		
	1988	1993	1994
Total number of employment accidents	76 672	42 075	41 340
of which, fatal	485	286	316
Total number of occupational diseases	24	20	61

107. An analysis of fatal accidents shows that the major cause of death is motor vehicle accidents. The next most frequent cause is falls, followed by collision with moving parts of agricultural machinery or being crushed by materials and transported objects.

The principle of equal opportunity for promotion

108. The principle of equal opportunity for promotion is universally accepted in Poland and is a legal norm. However, in practice, women occupy worse and less well remunerated posts than men.

109. At the end of 1993 the number of women employed in the national economy amounted to 6,907,500, 46.8 per cent of the total working population. Such a high level of women's employment is an effect not only of economic need but also, to a considerable degree (especially in the case of educated women), of a need to satisfy professional ambitions.

110. Women's share in managerial positions, in spite of considerable progress, is disproportionately low as compared with their skills and rate of employment. Women account for around 28.1 per cent of the total number of managerial staff. However their promotion usually stops at the lower and middle levels; the higher the management level the lower is women's participation.

111. Women's participation in Parliament is also low. In the present term of Parliament (data for 1994), women account for only 13 per cent of deputies to the Sejm (60 women out of 460 deputies); in the senate only 8 women are

present for a total of 100 senators. The low participation of women in the Parliament is the result of low interest in political activity. However, such low participation does not apply to their economic activity. High participation by women in the group of employers and people working on their own account should be emphasized. In 1993 women accounted for 45.6 per cent of members of this group (2,481,700 women out of a total of 5,444,500 people), which means that their proportion in this group was nearing their proportion in the labour force.

112. The high level of women's economic activity means that for the majority of Polish workers' families a double income (from men's and women's work) is typical and is the basis of the family's material existence. In the majority of Polish families where women are economically active, the growing part they play in meeting the economic needs of the family is generally accepted. In this field, their equality is not questioned and in practice is even required and expected.

Time off work

113. In accordance with article 69 of the Constitution, citizens of the Republic of Poland have the right to rest. Similarly, the Labour Code guarantees the right to rest in its article 14. This right is ensured by legal provisions governing hours of work, days off and vacation.

114. In accordance with article 128 of the Labour Code, the expression "hours of work" means the time during which a worker is at the disposal of an establishment, either in the establishment itself or in some other place designated for the performance of work. In accordance with this definition, hours of work mean not only the time of actual work performance but also time of readiness for work and breaks in work, which are calculated in the hours of work on the basis of the law. The Labour Code introduced norms for maximum hours of work, equivalent to 8 hours a day and 46 hours a week. At the same time, it provided for the possibility of a reduction in hours of work in accordance with principles and to the extent determined by the Council of Ministers (art. 129 of the Labour Code). On this basis, the Order of the Council of Ministers of 23 December 1988 concerning hours of work in establishments (Dziennik Ustaw of 1991 No. 117, Text 511, with amendments) was issued. Its provisions determine norms for hours of work and principles for introducing flexible work schedules that are binding in most establishments. The number of hours worked is determined differently for certain categories of workers:

> Workers whose rights and obligations are regulated by the Act (for example, teachers) or on the basis of article 298 of the Labour Code (for example, health service workers, workers employed abroad in the framework of export construction or services connected with export, etc.);
>
> Workers employed in particularly arduous jobs or in unhealthy conditions (on the basis of article 130 of the Labour Code);
>
> Workers employed on guard duties (on the basis of article 145 of the Labour Code);

Young workers (art. 202 of the Labour Code);

Workers employed by individual employers (on the basis of article 299 of the Labour Code);

Workers included in disability group I or II (arts. 9-12 of the Act of 9 May 1991 concerning employment and rehabilitation of the disabled - Dziennik Ustaw No. 46, Text 201, with further amendments).

115. In accordance with paragraph 1 of the Order concerning hours of work, working time in establishments cannot exceed 8 hours a day and on average 42 hours a week, taking into consideration 38 additional days off in a calendar year. For State-owned establishments the norm is 8 hours a day and an average of 42 hours a week. Regarding non-State-owned establishments the provisions only indicate the maximum number of hours that can be worked, while for State-owned establishments the hours are fixed and cannot be reduced or extended (except in situations expressly laid down by the law). Besides, a principle is applied that in a monthly period (in all types of establishments) hours of work cannot exceed the number of hours resulting from multiplying eight hours by the number of calendar working days, excluding the additional days off in a given month specified by the Minister of Labour and Social Policy in consultation with the national inter-union organization. The dates of the additional days off specified by the Minister of Labour and Social Policy are not fully binding upon establishments, because at the proposal of workers or on his own initiative the manager of an establishment may - in consultation with the establishment trade union organization - introduce additional days off on other dates, while maintaining the above-mentioned monthly rate of hours of work.

116. It should be added that the expression "calendar working days", used in determining the number of hours to be worked monthly, means all calendar days, with the exception of Sundays and holidays, as specified in the Act of 28 January 1951 concerning days off from work (Dziennik Ustaw No. 4, Text 28 with amendments).

117. Work in excess of the normal hours fixed in accordance with the binding provisions is overtime. Such work is permitted only in the event of:

Rescue operations required to protect human life or health or to protect property or deal with a breakdown;

Special requirements of the establishment.

The Labour Code determines a maximum number of hours in a calendar year (120) which can be worked on overtime to meet special requirements of the establishment. A worker employed on overtime is entitled, in addition to his normal remuneration, to a supplement (art. 134 of the Labour Code).

118. A higher rate of remuneration is also payable for work done at night. As regards work on Sundays and public holidays, it is admitted only in some kinds of establishments and should be compensated with time off granted during the same week or a pay supplement at the rate of 100 per cent of normal remuneration.

119. In accordance with article 152 of the Labour Code a worker is entitled to an annual uninterrupted period of vacation leave with pay. No worker may renounce his right to leave. The right to vacation leave is a generally binding principle. Leave is granted at the rate of:

14 working days after 1 year's employment;

17 working days after 3 years' employment;

20 working days after 6 years' employment;

26 working days after 10 years' employment.

Provisions concerning certain categories of workers (for example teachers) establish a higher rate of vacation leave. In accordance with the Labour Code the rate of vacation leave is determined on the basis of the aggregate employment period, taking into account periods of education above the primary-school level.

120. An establishment is obliged to grant a worker his leave in the course of the calendar year in which he becomes entitled to it or before the end of the first quarter of the next calendar year. Leave should be granted in accordance with leave plans, drawn up at the beginning of the year and specifying leave dates discussed with the workers. Additionally the worker should be informed of the dates of his leave no later than one month before it starts. If the worker so requests, his leave may be granted in instalments; however, at least one instalment should consist of at least 10 consecutive calendar days.

121. While on leave a worker is entitled to the remuneration that he would have received had he been working during that time. If a worker does not take vacation leave because of the termination of his employment, he is entitled to the cash equivalent.

122. Proposed changes in the Labour Code concerning vacation leave provide for:

Granting to workers the right to the first vacation leave after six months of employment, at the rate of half the normal rate of leave granted after one year's employment;

Raising from 14 to 18 days the minimum rate of vacation leave;

Introduction of the principle that additional days off, the so-called "Saturdays off", are not included in the leave;

Determination of the right to leave and the amount, on the basis of the aggregate employment period, that is by totalling all employment periods irrespective of any breaks in employment and irrespective of the way the employment relationship is terminated;

Increasing the amount of leave for seasonal workers from one to one and a half days per month worked;

Excluding from the leave any period not worked on account of sickness (until now such a period had to be longer than three days);

Ceasing to apply sanctions for leaving work without a valid reason or for termination of an employment contract without notice - when determining the right to and the amount of leave.

123. As regards hours of work, the following are new proposals for the amended Labour Code:

Determination of a general protective norm of 8 hours a day and an average of 42 hours a week (working hours can be reduced by collective agreements) and a maximum three months period taken for purposes of calculation;

Guaranteeing 39 additional days off on dates specified by establishments;

Determination of the maximum hours of work in a five-day working week;

Determination of a daily limit of four hours' overtime, as well as the amount of additional pay for night work - 20 per cent of remuneration;

Elimination of the possibility of extending the hours of work of workers employed on guard duties (this provision will enter into force one year after the coming into force of the amended Labour Code as a whole).

Legislation

124. The following legislation is relevant to the implementation of article 7 of the Covenant:

Act of 26 June 1974 - the Labour Code (Dziennik Ustaw No. 24, Text 141, with amendments);

Act of 29 September 1994 concerning the change of the Labour Code and of certain Acts (Dziennik Ustaw No. 113, Text 547);

Act of 6 March 1981 concerning the State Labour Inspectorate (Dziennik Ustaw of 1985 No. 54, Text 276, with amendments);

Act of 24 March 1983 concerning social labour inspection (Dziennik Ustaw No. 35, Text 163, with amendments);

Act of 14 March 1985 concerning the State Sanitary Inspectorate (Dziennik Ustaw No. 12, Text 49, with amendments);

Order of the Council of Ministers of 18 November 1983 concerning occupational diseases (Dziennik Ustaw No. 65, Text 294, with amendments);

Order of the Council of Ministers of 23 December 1988 concerning hours of work in establishments (Dziennik Ustaw of 1991 No. 117, Text 511, with amendments).

Article 8. The right to form trade unions

International instruments ratified

125. Poland is a party to the following Conventions:

International Covenant on Civil and Political Rights;

ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);

ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

ILO Labour Relations (Public Service) Convention, 1978 (No. 151);

ILO Rural Workers Organizations Convention, 1975 (No. 141).

126. A detailed description of problems connected with the exercise of the right to form trade unions and with trade union activity has been included in the reports of the Government of the Republic of Poland concerning application in national legislation and practice of provisions of the following ILO conventions that have been ratified by Poland:

ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);

ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

ILO Labour Relations (Public Service) Convention, 1978 (No. 151).

Number and structure of trade unions

127. In accordance with article 18, paragraph 4 of the Act of 23 May 1991 concerning trade unions, the Order of the Minister of Justice of 2 August 1991 on procedure for trade union registration (Dziennik Ustaw of 1991 No. 77, Text 340) remains in force. On the basis of this Order, registries are kept:

For national inter-branch unions and national inter-branch associations, by the Voivodeship Court in Warsaw;

For other trade unions, by the appropriate voivodeship courts from the standpoint of the headquarters of a union.

128. At present the registry of national inter-branch unions lists 250 trade union organizations, including 140 federations grouped in the Polish Trade Union Alliance (OPZZ). The registry of national inter-branch associations

includes seven organizations (the largest organization grouping trade unions being OPZZ). There are about 3,000 trade unions at the local level (establishments, voivodeships).

129. The data provided above concerning the number of trade union organizations are only estimates because trade union organizations are not obliged to submit statistical reports for the needs of the Central Statistical Office. For this reason information is based only on data received by us on the telephone, without any confirmation in documents.

Table 13. Estimated data concerning the number of members of trade union organizations (in thousands)

Trade union organization	Membership
Coal industry	310.0
Power industry	20.0
Electrical and machine industry	69.0
Transport	101.0
Agriculture	400.0
Municipal administration	37.0
Science and education	19.0
Public administration and justice	91.0
Finance and insurance	4.3
Culture and arts	1.2
OPZZ	4 752.0
NSZZ "Solidarność"	1 790.0

130. In accordance with the Act of 8 October 1982 concerning farmers' socio-occupational organizations, the following are considered as such organizations:

Agricultural circles;

Circles of rural housewives;

Agricultural branch associations;

Unions of farmers, agricultural circles and organizations;

Unions of agricultural branch associations.

131. The following are the national unions representing these organizations:

National Union of Farmers, Agricultural Circles and Organizations (in total around 1.7 million);

Federation of Unions of Agricultural Producers.

132. The following are the trade unions of individual farmers, in accordance with the Act of 7 April 1989 concerning trade unions of individual farmers:

Independent Self-Governing Union of Individual Farmers "Solidarność";

Trade Union of Agriculture "Samoobrona" (Self-defence).

They have a total membership of around 400,000.

Legislation

133. The following legislation is relevant to the implementation of article 8 of the Covenant:

Act of 8 October 1982 concerning farmers' socio-occupational organizations (Dziennik Ustaw No. 32, Text 217);

Act of 7 April 1989 concerning trade unions of individual farmers (Dziennik Ustaw of 1989 No. 20, Text 106);

Act of 23 May 1991 concerning trade unions (Dziennik Ustaw of 1991 No. 55, Text 234);

Act of 23 May 1991 concerning settlement of industrial disputes (Dziennik Ustaw of 1991 No. 55, Text 236);

Order of the Minister of Justice of 2 August 1991 on procedure for trade union registration (Dziennik Ustaw of 1991 No. 77, Text 340).

Article 9. The right to social security

International instruments ratified

134. Poland is not a party to any of the conventions mentioned in the guidelines with respect to article 9.

Social security

135. In Poland social security covers in principle the whole population. The right to social security is guaranteed by the Constitution, and is regulated by an Act of Parliament.

136. Workers are the main group benefiting from all forms of social insurance. As used in the social insurance legislation, the term "workers" means individuals employed, in accordance with the provisions of the

Labour Code, on the basis of a contract of employment, appointment, election or nomination or a cooperative contract of employment (art. 2 of the Labour Code).

137. Social insurance covers workers' family members for all forms of insurance. Legal provisions governing the different types of insurance determine the groups of people considered as worker's family members with respect to entitlement to specific social insurance benefits (pensions, allowances and other). The following are considered as workers' family members entitled to such benefits: people related to the worker (spouses, foster parents and children, own children, children being brought up in the framework of substituting families). These persons' entitlements vary according to the different insurance systems (pension, accident or family insurance). Social insurance also covers persons in occupational groups not working on the basis of employment contracts and their families: individual farmers, the self-employed, creative artists, people working on the basis of agency or mandatory contracts, members of agricultural production cooperatives. In addition, social insurance covers priests, professional soldiers and members of their families, as well as police officials and their family members and other civil servants and their family members.

Branches of social security

138. The following branches of social security exist in Poland:

Medical care;

Cash sickness benefits;

Maternity benefits;

Old age benefits;

Disability benefits;

Survivor's benefits;

Employment injury benefits;

Family benefits.

Administration/organization of the Polish social insurance system

139. The Act of 25 November 1986 concerning organization and financing of social insurance (Dziennik Ustaw of 1989 No. 25, Text 137 with amendments) is the basic legal act governing these issues.

140. Issues connected with the organization of social insurance for farmers are governed by the Act of 20 December 1990 concerning the social insurance of farmers (Dziennik Ustaw of 1993 No. 71, Text 342).

141. In accordance with the legislation in force, the majority of tasks in the field of social insurance are performed by the Social Insurance Institute (ZUS), a public administration body supervised by the Minister of Labour and Social Policy and acting through regional branches and subordinate inspectorates. ZUS social supervision is exercised by supervisory boards. Certain tasks in the field of social insurance are also carried out by establishments which calculate and pay short-term benefits to workers and make settlements with the Social Insurance Institute in respect of contributions due, decreased by the amount of benefits paid.

142. The Social Insurance Institute deals both with workers' insurance and with that of other socio-occupational groups. The social insurance of railway workers has traditionally been separate from the organizational standpoint and is dealt with by railway administration bodies. Tasks in the field of the social insurance of farmers are performed by the Fund for Agricultural Social Insurance (KRUS). The President of this Fund is a public administration authority subordinate to the Minister of Agriculture and Food Economy. KRUS functions through a network of regional branches and local units. The Farmers' Social Insurance Board is the body which exercises control in this field. It represents the interests of farmers and people receiving benefits from this scheme.

143. Unemployment benefits are dealt with by voivodeship and local labour offices which are subordinate to the National Labour Office, the central public administration body. The Minister of Labour and Social Policy exercises overall supervision of National Labour Office activity.

144. Employment councils, the consultative and opinion pronouncing bodies in this field, function through the Labour Ministry and through the labour offices. They are composed in equal parts of representatives of workers, employers, public administration bodies and local self-government.

145. Institutions subordinate to the Minster of Health and Social Welfare perform tasks in the field of health benefits. Matters connected with benefits for professional soldiers and their family members, police officials and their family members and some other civil servants and their family members are within the scope of activity of the respective competent ministers.

Changes introduced or in preparation

146. On the basis of the Act of 16 October 1991 concerning employment and unemployment, a central Labour Office was established and has been functioning since 1 January 1993.

147. Work is being carried out to propose changes in the organization of the Social Insurance Institute, aimed at increasing the independence of social insurance management and allowing full records of contributory periods and periods of receiving benefits to be kept. Changes are also planned in the organization of the ZUS supervisory boards. Amendment of the Act concerning employment and unemployment is also planned.

Features of the present social security system

Sickness allowances

148. The majority of workers acquire the right to a sickness allowance starting from the first day of employment and retain this right for a certain time after the employment ends.

149. People performing work on the basis of agency or mandatory contracts acquire the right to the sickness allowance after the payment of six months of uninterrupted insurance contributions and only when their income was not lower than half the minimum wage. 3/ Another limitation concerning population groups other than workers (agents, people carrying out economic activity, farmers, priests) consists in granting the right to the sickness allowance if the sickness lasts at least 30 consecutive days. This limitation does not apply to incapacity for work as the result of an accident.

150. Sickness allowances are the main social insurance benefit granted to all groups of people insured. The principles for the calculation of these benefits are the same for workers and other occupational groups, with the exception of individual farmers. The Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text - Dziennik Ustaw of 1983 No. 30, Text 143, with amendments) is the basic legal act regulating sickness allowances. It is called the Allowance Law. Acts regulating the social insurance of population groups other than workers refer to the Allowance Law governing workers' insurance.

151. The rate of the sickness allowance depends on several factors. First, it depends on the period of employment of an entitled person. Employment of up to three years gives entitlement to an allowance at the rate of 75 per cent of the basis of calculation, employment of from three to eight years to an allowance at the rate of 80 per cent of the basis of calculation and employment of more than eight years to an allowance at the rate of 100 per cent of the basis of calculation. Second, the legislation concerning sickness benefits establishes the right to payment of the allowance at the rate of 100 per cent of the basis of calculation, irrespective of the employment period, if incapacity for work was a work-related accident, an accident on the way to or from work or an occupational disease. Third, the rate of the allowance depends on the period of sickness. The allowance is payable at the rate of 100 per cent of the basis of calculation irrespective of the employment period for a period of over 30 days' uninterrupted incapacity for work - starting from the thirty-first day. Fourth, incapacity for work during pregnancy gives the right to the allowance at the rate of 100 per cent of the basis of calculation irrespective of the duration of employment. Finally, the amount of the allowance depends on the cause of sickness. The sickness allowance for every three first days of incapacity for work amounts to 50 per cent of the basis of calculation if the sickness was caused by alcohol abuse, self-mutilation or auto-intoxication.

152. For individual farmers, the sickness allowance amounts to one thirtieth of the basic old age pension for every day of incapacity for work, unless the Minister of Agriculture and Food Economy, at the proposal of the KRUS Farmers' Social Insurance Board, determines another amount for this allowance. Since

1 July 1994 the amount of the sickness allowance is 30,000 old zlotys a day, on the basis of the Order of the Minister of Agriculture and Food Economy of 11 February 1994 changing the Order concerning determination of principles for the calculation of a lump sum compensation in respect of an accident at work in agriculture and occupational diseases, as well as the sickness allowance (Dziennik Ustaw No. 26, Text 94).

153. Besides the amount of sickness allowances, the regulations concerning other issues connected with these benefits are different for various groups of the population. The right to the sickness allowance from the first day of incapacity for work is granted to workers and certain agents (performing work for the "Ruch" company, the State enterprise "Totalizator Sportowy", Central Enterprise of Petroleum Products, the Polish Motor Association (refilling stations operation) and to members of agricultural production cooperatives (from the fourth day of incapacity for work if during the month preceding the incapacity the insured person worked for a period of less than 14 days). Self-employed people carrying out economic activity and agents not mentioned above, as well as farmers and priests, acquire the right to the sickness allowance for each day of incapacity for work in respect of sickness lasting without interruption for a period of at least 30 days. If incapacity for work was caused by an employment-related accident or an occupational disease, the allowance is granted for periods of incapacity for work of less than 30 days.

154. In the case of certain groups of insured persons a waiting period is required to acquire the right to the sickness allowance (for example agents acquire the right to the sickness allowance after six months of uninterrupted insurance).

155. In the Polish sickness insurance system, special provisions allow certain professional groups (academic teachers, judges, public prosecutors, employees of research units) to retain the right to remuneration for up to one year in the case of sickness. Expenditures for sickness allowances are covered by the socialized establishments for workers of these establishments, and by the Social Insurance Fund for workers in the private sector and other insured persons. However, for individual farmers, these expenditures are covered from the contributory Farmers' Social Insurance Fund.

156. The sickness insurance also includes a rehabilitation benefit, which is granted to all groups insured, except individual farmers. The rehabilitation benefit is payable after the expiry of the period during which the sickness allowance is paid when incapacity for work still exists and further medical treatment or rehabilitation promises recovery and regaining of the capacity for work. The period of payment cannot exceed 12 months. Medical boards for disability and employment decide on issues connected with granting this benefit. It is payable at the rate of 75 per cent of the basis of calculation of the sickness allowance and if incapacity for work results from a work-related accident or an occupational disease at the rate of 100 per cent of the basis of calculation.

157. The compensatory allowance is a special entitlement granted to workers with decreased capacity for work if their remuneration decreases on account of their undergoing vocational rehabilitation. The compensatory allowance is payable in the amount of the difference between earnings received before the

lowering of capacity for work and earnings received afterwards. In this case the allowance is payable for the period of rehabilitation, but not longer than for a period of 24 months.

158. As to the need for rehabilitation, an industrial health service institution at the voivodeship level as well as a medical board for disability and employment take the decision. Expenditures for rehabilitation benefits and compensatory allowances are covered from the Social Insurance Fund.

Introduced and planned changes

159. In 1995 changes were introduced to the system of sickness benefits. According to the new provisions:

> Workers and other people insured for a period of sickness of up to 35 days a year would retain the right to 80 per cent of remuneration, payable by the employer (100 per cent in the case of sickness caused by an employment accident, occupational disease or sickness during pregnancy);
>
> Starting from the thirty-sixth day of sickness during a year the sickness allowance would be financed wholly from social insurance and would be payable at the rate of 80 per cent of the basis of calculation;
>
> The sickness allowance would not be payable at differentiated rates depending on the period of employment;
>
> The basis of calculation of the sickness allowances would include those components of remuneration on which a social insurance contribution was paid.

Maternity benefits

160. Maternity benefits include first of all the maternity allowance and the confinement benefit. The Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text - Dziennik Ustaw of 1983 No. 30, Text 143, with further amendments) is the basic legal act governing these benefits. Short-term benefits in respect of childbirth are similar for all insured groups (except for individual farmers).

161. The maternity allowance is granted for a period of 16 weeks for the first confinement; 18 weeks for each subsequent confinement; 26 weeks where a woman is delivered of more than one child in any given confinement. It is payable at the rate of 100 per cent of remuneration for women workers, and for other groups of insured persons, at the rate of 100 per cent of the amount on which social insurance contribution was paid.

162. A lump sum confinement allowance is payable to insured persons in respect of a birth, at the rate of 12 per cent of average monthly remuneration.

163. In the case of individual farmers, insured persons are entitled to a maternity allowance - in an amount equal to the sickness allowance - for a

period of eight weeks. Individual farmers are also entitled to a lump sum allowance at a rate three times higher than the basic old age pension. The lump sum allowance is granted in respect of childbirth as well as in respect of accepting a child under one year of age to be brought up, if during this time an application for adoption was filed. Maternity benefits for individual farmers are governed by the Act of 20 December 1990 concerning social insurance of farmers (uniform text - Dziennik Ustaw of 1993 No. 71, Text 342).

Forecasted changes

164. It is planned to increase the confinement allowance to 15 per cent of the average wage.

Retirement benefits

165. Retirement benefits have a universal character. They cover all the socio-occupational groups. The basic legal acts in this field are the Act of 14 December 1982 concerning pension security for workers and their families (Dziennik Ustaw No. 40, Text 267, with further amendments) and the Act of 17 October 1991 concerning pensions indexation, principles of pensions calculation and the amendment of certain Acts (Dziennik Ustaw No. 104, Text 450, with further amendments).

166. The following Acts concerning social insurance of other socio-economic groups refer to the above-mentioned Acts:

> Act of 27 September 1973 concerning the pension security of creative artists and their families (Dziennik Ustaw of 1983 No. 31, Text 145 with further amendments);
>
> Act of 19 December 1975 concerning social insurance of people performing work for socialized economy units on the basis of agency or mandatory contracts (Dziennik Ustaw of 1983 No. 31, Text 146 with further amendments);
>
> Decree of 4 March 1976 concerning social insurance of members of agricultural production cooperatives and cooperatives of agricultural circles and their families (Dziennik Ustaw of 1983 No. 27, Text 135 with further amendments);
>
> Act of 18 December 1976 concerning social insurance of people carrying out economic activity and their families (Dziennik Ustaw of 1989 No. 46, Text 250 with further amendments);
>
> Act of 17 May 1989 concerning social insurance of priests (Dziennik Ustaw No. 29, Text 156 and the amendment of 1990 No. 36, Text 206).

167. Pension benefits for farmers are regulated separately, in the Act of 20 December 1990 concerning social insurance of farmers (uniform text Dziennik Ustaw of 1993 No. 71, Text 342).

168. An old age pension is granted to an individual who fulfils the two following conditions:

Has reached pensionable age (generally, 60 years for women and 65 for men, although a considerable number of insured persons take advantage of exceptions to this rule),

Has completed (proved) a required employment (insurance) period, in principle at least 20 years for women and 25 years for men, with the possibility of including various non-active periods for which contributions were not paid.

169. Periods for the assessment of the right to the old age pension are divided into contributory periods and non-contributory periods. The latter are determined in the Act concerning pensions indexation. They include: periods spent looking after young children, periods of further education, periods in which contributions were not paid because social insurance allowances, etc., were being received. The general principle is applied that the number of non-contributory periods cannot exceed one third of the number of proved contributory periods.

170. The basis of calculation of the old age pension is income of an insured person on which contributions were paid. For example, in 1994 it was the income from five successive calendar years after 1979. The period on which the basis of calculation is determined is prolonged every year by 1 year to reach 10 successive years chosen from the previous 20 years in 1999. Income received in each of the selected years is compared to the average wage in those years and expressed as a percentage of this remuneration. Average income from the selected years is expressed as a coefficient of calculation which cannot exceed 250 per cent.

171. This coefficient allows for calculating the amount of the basis of calculation from the currently binding base amount. The base amount, that is an amount constituting the basis of recently conducted indexation, is equal to the average wage in the country during the quarter preceding the quarter in which the latest pensions indexation was carried out. The old age pension calculation rate (R) can be expressed by the following formula:

$$R = ba\ (cbc \times P_c \times 1.3\% + cbc \times P_n \times 0.7\% + 24\%)$$

where:

ba means basic amount;

cbc means calculation base coefficient;

P_c means number of contributory periods;

P_n means number of non-contributory periods.

Every old age pension includes a uniform component - the same for all persons insured - equal to 24 per cent of the base amount. It is the social part of the old age pension, aimed at protecting people with lower incomes and a shorter employment period.

172. People who have reached the age of 75 or have been included in disability group I are entitled to a nursing supplement to the old age pension at the rate of 10 per cent of the average wage in the quarter preceding the date of indexation.

173. The amount of each old age pension is expressed in proportion to a basic amount for purposes of periodic indexation. This proportion is called the coefficient of the amount of the benefit. Indexation may be carried out every quarter, but only when the average wage has increased by at least 10 per cent in relation to the previous basis of indexation. In this case the higher amount of the average wage becomes the new basic amount. Since June 1994 the basic amount equals 93 per cent of the average wage in the quarter preceding indexation.

Early retirement

174. The Polish legislation provides for the possibility of early retirement. Some of the solutions applied in this respect are presented below.

175. A worker who has not reached the age of 60 years (for a woman) or 65 years (for a man) may retire if the following conditions are fulfilled:

(a) A woman has reached the age of 55 years and has an adequate employment period, that is 30 years of contributory periods (possibly complemented by non-contributory periods at the rate provided by the law) or 20 years of contributory periods when she had been included in disability group I or II,

(b) A man, after reaching the age of 60 years if he has an adequate employment period, that is 25 years of contributory employment when he has been included in disability group I or II.

176. Workers whose employment is terminated on the basis of the Act of 29 December 1989 concerning special principles of termination of workers' employment relationship for reasons concerning establishments and concerning the change of certain Acts (Dziennik Ustaw of 1990 No. 4, Text 19 with amendments) may retire early irrespective of age, if they have been employed for not less than 35 years (for women) or 40 years (for men), in accordance with the Order of the Minster of Labour and Social Policy of 26 January 1990 concerning early retirement of workers laid off for reasons concerning establishments (Dziennik Ustaw No. 4 Text 27).

177. Other special entitlements regarding early retirement benefits are provided for in the Order of the Council of Ministers of 15 May 1989 concerning the right to early retirement of workers taking care of children requiring permanent care (Dziennik Ustaw No. 28, Text 149). In accordance

with these provisions, a worker who takes care of a child requiring permanent care may retire early irrespective of age if he has completed 25 years' employment (20 years in the case of women).

178. Other provisions concerning early retirement are contained in the Order of the Council of Ministers of 7 February 1983 concerning pensionable age and pensions increase for workers employed in particular conditions or in work of a particular nature (Dziennik Ustaw No. 8, Text 43 with amendments), which has remained in force in its part concerning pensionable age. A longer employment period (as a rule at least 15 years) in particular conditions 4/ or of a particular nature 5/ allows for earlier retirement on the basis of the provisions of this Order which have remained in force.

179. The provisions determining principles for the early retirement of employees are still in force for the following categories of persons:

> Combatants and victims of war and of the repressions of the post-war period;
>
> War and military invalids, if their invalidity is connected with their military service (the Act of 19 May 1974 concerning pension security of war and military invalids and their families (Dziennik Ustaw of 1983 No. 13, Text 68 with amendments));
>
> Persons invalided as the result of an employment-related accident, an accident on the way to or from work on an occupational disease (the Act of 12 June 1975 concerning benefits in respect of employment-related accidents and occupational diseases (Dziennik Ustaw of 1983 No. 30, Text 144 with amendments)).

180. It should be added that the Act of 15 February 1992 concerning changes in certain Acts concerning employment and pension security (Dziennik Ustaw No. 21, Text 84) authorized the Council of Ministers to determine principles for early retirement for workers. The Council of Ministers has never used this authorization and has not changed the provisions concerning early retirement.

181. Pension benefits are regulated in a different way in respect of individual farmers. The basic legal act in this field is the Act of 20 December 1990 concerning the social insurance of farmers (Dziennik Ustaw of 1993 No. 71, Text 342). The agricultural old age pension is granted to an insured person who has reached pensionable age (60 years for women and 65 for men) and has been covered by pension insurance for a period of at least 100 quarters. The agricultural pension is also granted to an insured farmer who has reached pensionable age (55 years for women and 60 for men) and who has been covered by pension insurance for a period of at least 120 quarters - if he or she ceases agricultural activity.

182. The pension benefits of workers and their families and other insured groups are financed from the Social Insurance Fund and in the case of farmers from the Agricultural Fund.

Introduced and planned changes

183. Since 1 January 1994 the minimum benefits have been increased. The minimum old age pension amounts to 39 per cent of the average wage in the calendar quarter preceding the date of indexation.

184. The Sejm adopted the Act of 10 December 1993 concerning pension security of professional soldiers, 6/ as well as the Act of 18 February 1994 concerning pension security of police officials and some other categories of civil servants. 7/

Disability benefits

185. The legal acts concerning pension benefits are relevant to disability benefits as well. The disability benefit is granted to workers and other insured people, provided that the person who applies for a pension is a disabled person and has the required period of employment (this period depends on the age of the employee insured and is between one and five years).

186. According to the law in force, a disabled person is a person partly or completely unable to work because of permanent or long-term injury. There are three disability groups (I, II, III) depending on the level of incapacity for work.

187. The following persons are included in disability group III:

> Those who retain a limited capacity to work in the post they have occupied till now;
>
> Those who are incapacitated for the post they have occupied till now, but have sufficient capacity to work in a less demanding post;
>
> Those with severe injuries, if these injuries do not limit their capacity to work in the post they have occupied till now.

Disabled people who are completely unable to work are included in disability group II. Persons unable to work who, moreover, require permanent and long-term care because they cannot live independently are included in disability group I.

188. It is important to note that preservation of capacity to work in specially adapted working conditions or in special posts does not constitute an obstacle to inclusion in disability group I or II.

189. Medical disability and employment boards are in charge of assigning disabled persons to the groups. The boards, which exist in the Social Insurance Institute branches, function at two levels: local medical boards as the first instance and voivodeship medical boards as the second instance (for appeals).

190. A minimum period of employment is the second requirement for acquisition by an insured employee of entitlement to a disability pension. The length of this period depends on the age of the employee. A one-year contributory

period is long enough for acquisition of entitlement to a disability pension in the case of disability occurring before the employee turns [illegible]0. A two-year contributory period is required in the case of disability occurring between the ages of 20 and 22; a three-year period is required in the case of disability occurring between the ages of 22 and 25, and four years in the case of disability occurring between 25 and 30. In the case of disability occurring after the age of 30 the requirement is met subject to the employee having paid contributions for a minimum period of five years. Moreover, according to the law in force, this period should have been during the decade previous to the application for a disability pension if the applicant was not employed in the period prior to the date when the disability occurred.

191. According to the law in force, any contributory period is sufficient for the acquisition of entitlement to a disability pension in the following circumstances:

> The disability occurred as a result of a work-related accident, of an accident on the way to or from the workplace or of an occupational disease;
>
> The disability occurred with respect to an employee under the age of 18;
>
> The disability occurred with respect to an employee who took up employment during the six months after graduation from secondary or higher school and was employed without interruption or with interruptions which altogether did not exceed six months up to the day when the disability occurred.

192. The amount of the disability pension is calculated similarly to the amount of the old age pension. However, there may be taken into account the length of the period needed to complete the full 25 years of contributory and non-contributory periods. (It cannot, however, be longer than the period between the date of application for a pension and the date at which the insured reached the age of 60.)

193. The formula used for calculating the amount of the disability pension for groups I and II, (D), including one more element - the place for the number of years needed to complete the full period (P_a), is the following:

$$D = ba\ (cbc \times P_c \times 1.3\% + cbc \times P_n \times 0.7\% + cbc \times P_a + 24\%)$$

(For a clearer explanation, see the formula for calculating the old age pension.) The disability pension for group III has been determined as 75 per cent of the disability pension for groups I and II.

194. Disabled persons in group I and pensioners who have turned 75 are entitled to nursing supplements.

195. Workers and other insured groups are entitled to disability benefits. However, some professional groups are not entitled to a pension by virtue of being included in disability group III (entrepreneurs, some agents, 8/ priests). Moreover, creative artists have a limited right to receive a

pension by virtue of inclusion in disability group III. Creative (performing) artists are entitled to a group III disability pension when the disability hinders or limits their creative (performing) activity to a high degree.

196. Disability benefits for farmers have been established in a different way. Binding legislation concerning social insurance for farmers provides for a permanent farmer to receive a disability pension when the insured person has attained an age five years lower than the age of retirement or is a disabled person in group I by virtue of the retirement regulations. 9/ In all remaining cases the authorized person is entitled to a temporary pension until he regains full capacity to work in an agricultural complex (or until he is affiliated to another type of social insurance). When the incapacity to work in an agricultural complex continues (if the person has not been affiliated to other kinds of social insurance) the period of entitlement to a temporary pension is extended or entitlement to a permanent pension is established.

197. Disability pensions are financed from the Social Insurance Fund and, in the case of farmers, from the Farmers' Fund.

Introduced and expected changes

198. Since 1 January 1994 the minimum disability pension for disability groups I and II is 39 per cent of the average wage in the calendar quarter preceding the date of indexation. The minimum disability pension for disabled persons in group III is 30 per cent of this wage.

199. In the context of the introduction of changes in social insurance, rationalization of the criteria of permanent and partial incapacity for work as a requisite for entitlement to a disability pension is being considered. A draft act has been prepared by the Ministry of Labour and Social Policy. It would apply to all groups of insured persons (except individual farmers).

Survivor's benefits

200. The main survivor's benefit is the survivor's pension, the terms for the acquisition of which are the same for all groups of insured persons (with some exceptions concerning farmers). In accordance with the law in force (the legal acts on pension benefits mentioned earlier), a survivor's pension is a derivative benefit, which is provided to the close relatives of the deceased, provided that the deceased:

Was entitled to a disability or old age pension; or

Could have been entitled to the acquisition of a disability or old age pension, even if at the moment of death he was not employed, if he complied with the requirements concerning acquisition of one of these benefits; or

If employed at the moment of decease, could have been entitled to the acquisition of a disability pension because his employment period was sufficiently long.

201. The following close relatives of a deceased employee are entitled to a survivor's pension:

Children up to the age of 16 and in the case of students, up to the age of 25;

Widow over 50 years of age, or if she is disabled or is looking after a child (children) under 16 or, in the case of a student, under 18; or if she is looking after a child in disability group I or II who is entitled to a survivor's pension;

Widower, over 65 years of age.

202. It should be mentioned that a divorced woman is entitled to the survivor's pension if, in addition to fulfilling the normal requirements, she was entitled at the moment of her former husband's death to receive alimony from him awarded by a court or settlement in court.

203. Moreover, a widow without sufficient means, who does not fulfil the requirements concerning age, disability or childcare, is entitled to a temporary survivor's pension. The temporary survivor's pension is drawn:

For one year after the husband's decease;

For a period of organized training aimed at the acquisition of vocational skills, but no later than two years from the time of the husband's decease.

A widower has the same rights a widow enjoys, subject to fulfilment of the same requirements. In this case, the age at which he is entitled to receive a benefit is 65.

204. The amount of the survivor's pension depends on the amount of the benefit to which the deceased would have been entitled with respect to the old age pension or the disability pension calculated as for a disabled person in group II. The survivor's pension for one person is 85 per cent of the amount of benefit which the deceased would have received. The survivor's pension for two persons is 90 per cent and for three or more persons 95 per cent of the amount of benefit which the deceased would have received.

205. In the case of farmers' pensions, there are differences in the regulations for calculating the benefits. Moreover if the eligible person works as a farmer, the entitlement to the survivor's pension will be suspended.

Changes introduced

206. Since 1 January 1994 the minimum survivor's pension is 39 per cent of the average wage in the calendar quarter preceding the date of indexation. This benefit has been increased.

207. Survivor's pensions for workers and other groups (except farmers) are paid out of the Social Insurance Fund. Farmers' pensions are paid out of the Farmers' Fund.

Benefits in respect of employment-related accidents and occupational diseases

208. The basic legal act is the Act of 12 June 1975 concerning benefits in respect of employment-related accidents and occupational diseases (Dziennik Ustaw of 1983, No. 30, Text 144 with further amendments). The majority of the regulations concerning non-workers professional groups refer to the above-mentioned Act on workers' benefits with respect to work-related accidents.

209. Benefits in respect of employment-related accidents and occupational diseases include:

> Lump sum compensation for an (insured) worker who suffers permanent or long-term bodily injury;
>
> Lump sum compensation for close relatives of an (insured) deceased employee or pensioner;
>
> Compensatory benefits for a worker whose wages were lowered as a result of long-term bodily injury;
>
> Disability pension for an (insured) worker who became disabled;
>
> Survivor's pension for family members of an (insured) deceased worker or pensioner;
>
> Indemnities for lost or damaged objects as a result of employment-related accidents in respect of the worker and his close relatives;
>
> Free medical benefits (in a broad sense).

210. The lump sum compensation payable to the insured with respect of permanent or long-term bodily injury is a cash benefit. The amount is adjusted for each per cent of permanent or long-term bodily injury. In accordance with the law in force, the compensation is subject to indexation on a quarterly basis (more precisely, the amount for each per cent of health damage is adjusted in line with inflation). 10/ A minimum amount for the lump sum compensation has been established.

211. Similarly, the lump sum compensation with respect to an (insured) employee's or pensioner's decease is calculated and adjusted on a quarterly basis. The close relatives of a person who died as the result of a work-related accident or occupational disease, are entitled to this indemnity.

212. The lump sum compensation is a general benefit granted to almost all professional groups, except artists and entrepreneurs.

213. The compensatory benefit is paid only to employees and members of agricultural production cooperatives who have incurred at least 20 per cent permanent or long-term impairment to health as a result of a work-related accident or an occupational disease and whose wages have decreased as a result by at least 10 per cent. If the employee draws a disability pension with respect to long-term impairment of health, he will not be entitled to the compensatory benefit.

214. The amount of the benefit is the difference between the amount of remuneration before and after the date of permanent or long-term impairment of health. However, it cannot exceed 30 per cent of the wages received previously. The compensatory benefit can be received for a period of employment of no more than three years.

215. As was said earlier, accident insurance in Poland also includes such pension benefits as the disability pension for workers and other insured persons who, in consequence of an employment-related accident or occupational disease have been placed in one of the disability groups. The second kind of benefit is the survivor's pension, granted to the close relatives of an (insured) deceased person whose death resulted from an employment-related accident or an occupational disease. Disability pensions with respect to employment-related accidents or occupational diseases are granted to all groups of insured persons. (There are some limitations concerning entrepreneurs, who are entitled to a pension by virtue of being included in disability groups I and II.) Enjoyment of the right to accident pensions is not conditioned by the former employment period.

216. Disability pensions and survivor's pensions with respect to employment-related accidents or occupational diseases are calculated in the same way as pensions payable as a result of other events. The law guarantees that disability pensions with respect to employment-related accidents or occupational diseases will not be lower than 80 per cent of the basis of calculation of a pension for disabled persons in disability groups I and II, and 60 per cent of the basis of calculation of a pension for disabled persons in disability group III.

Changes introduced

217. During the period under discussion the minimum disability pensions with respect to employment-related accidents and occupational diseases have been increased. The minimum disability pension with respect to employment-related accidents or occupational diseases for disabled persons in groups I and II is 45.8 per cent of the average wage in the last quarter, and for disabled persons in group III 36 per cent of this wage.

218. There are two sources of financing of these benefits, namely, the Social Insurance Fund and establishments. The lump sum compensation with respect to permanent or long-term impairment of health is paid to employees of State enterprises and members of their families by the enterprise and to employees of privately owned enterprises and their family members by the Social Insurance Institute from the Social Insurance Fund. Disability pensions and survivor's pensions are paid from the Social Insurance Fund. On the other hand, compensatory benefits and indemnities for objects lost or damaged as a

result of employment-related accidents are paid by the enterprise. Farmers' benefits are financed from the farmers' social insurance contributory fund (the Agricultural Fund).

Unemployment benefits

219. The basic legal act governing unemployment benefits is the Act of 16 October 1991 concerning employment and unemployment (Dziennik Ustaw No. 106, Text 457 with amendments).

220. Unemployment benefits are granted to an individual considered as unemployed. The following people are considered as the unemployed: able to work, ready to take up employment in the framework of an employment relationship on a full-time basis, jobless and not attending a school (with the exception of evening and extramural schools) and registered with a labour office. In addition, persons are considered as unemployed who have not acquired the right to a pension, do not own or occupy an agricultural estate exceeding two hectares in area, have not engaged upon economic activity outside agriculture and are not receiving - on the basis of other provisions - compulsory social insurance or pension benefits, and are not temporarily detained nor imprisoned.

221. The lower age limit for being considered as unemployed is 18 (with exceptions), while the upper age limit is 60 for women and 65 for men.

222. The right to unemployment benefits may be acquired subject to a minimum period of employment (insurance) of 180 days during the 12 months preceding the date of registration with the appropriate labour office. The period during which the allowance is received is 12 months (with exceptions for various categories of people, inter alia people with a long employment record (in their case the allowance is paid for a period of 18 months) and people of pre-retirement age (who receive the allowance up to the time they acquire pension rights). The unemployment allowance is payable at the rate of 36 per cent of the average wage, irrespective of the level of remuneration recently received and the length of the period during which the allowance is received (with exceptions). The training allowance is payable at the rate of 115 per cent of the unemployment allowance. Unemployment benefits are paid from the Labour Fund which is the State target fund. Its main revenue is central budget subsidies (more than 60 per cent of total revenue) and contributions at the rate of 3 per cent of the basis of calculation.

Changes introduced

223. In the period under review, several significant changes were introduced in the Act of 16 October 1991 concerning employment and unemployment, including the right to receive the allowance up to the time of being offered appropriate work. Intervention or public works was granted to single unemployed people who have lost their right to the allowance on the expiry of the statutory allowance period (9 months for graduates, 12 or 18 months for other unemployed) and who are raising a child (children) or whose spouses are also unemployed and both have lost the right to the allowance on account of

the expiry of the allowance period and are raising a child (children). The above-mentioned unemployed people may receive the allowance under provisions of the Act for an unspecified period (as long as they fulfil conditions prescribed by the Act).

224. Among other essential changes we should also mention an increase in the amount of the so-called pre-pension benefits for unemployed people inhabiting administrative regions (gminas) threatened by particularly high structural unemployment. These allowances are payable at the rate of 52 per cent of the average wage. They are granted up to the time of taking up employment or acquiring pension rights. In addition, the period during which the unemployment allowance is received was extended for unemployed people in these gminas.

Changes initiated

225. The Act of 14 December 1994 concerning employment and counteracting unemployment entered into force on 1 January 1995. It develops and introduces new principles and forms of counteracting unemployment and mitigating its effects.

Family benefits

226. These benefits include the family allowance and the nursing allowance, as well as the child-care allowance and the care allowance.

227. The basic legal act governing family and nursing allowances is the Order of the Minister of Labour and Social Policy of 10 April 1989 concerning family and nursing allowances (uniform text - Dziennik Ustaw of 1993 No. 110, Text 492, with amendments).

228. The right to family allowances is enjoyed by almost all groups of people insured (with the exception of creative artists). The conditions for acquiring the right to this allowance are also the same for all such groups. 11/

229. The family allowance is granted for children and for a spouse. It is payable to eligible persons at the fixed amount of 167,000 zlotys a month. The allowance is granted for a child under 16 years of age, and for an older child attending school up to the age of 20 (with certain exceptions). Family allowances are also paid to the unemployed. For the spouse, the family allowance is payable if he/she fulfils one of the following conditions:

Is raising at least one child under 8 years of age or a disabled child;

Is disabled;

Has reached the age of 50 years (women) or 65 years (men).

230. Besides the family allowance, a nursing allowance may be payable for a child who requires permanent care owing to his/her health condition or is

considered as being in disability group I or II (children above 16 years of age). The nursing allowance is payable for a spouse who has reached the age of 75 or is considered as being in disability group I.

231. The nursing allowance has been fixed at the rate of 10 per cent of the average wage. In accordance with the above principles, family and nursing supplements are also payable to pensioners. All expenditures in respect of the described family benefits are covered by the Social Insurance Fund.

232. Another benefit in this field is the child-care allowance regulated by the Order of the Council of Ministers of 17 July 1981 concerning child-care leave (uniform text - Dziennik Ustaw of 1990 No. 76, Text 454, with amendments). The child-care allowance is granted to a worker taking advantage of child-care leave (of three years' duration) to take care of a child under four years of age. The child-care allowance is granted for a period of 24 months, or 36 months in the case of single mothers. It is payable at a fixed rate and is indexed, being increased by a percentage of the growth in the average monthly remuneration between quarters. Single mothers (fathers) are entitled to a higher child-care allowance. The allowance is payable if income per head in the family does not exceed 25 per cent of the average wage in the preceding year. A woman worker taking care of a disabled child is entitled to the child-care leave and allowance for a period of 72 months.

233. The child-care allowance is a worker's right. It is granted to workers and some other people employed on the basis of an agency contract and to members of agricultural production cooperatives. The other groups of the insured do not enjoy the right to this benefit.

234. Child-care allowances are paid from the Social Insurance Fund.

235. In Polish legislation, family benefits also include the care allowance. The main legal act governing care allowances is the Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text - Dziennik Ustaw of 1983 No. 30, Text 143, with amendments). The care allowance is granted to a worker released from the obligation to work to take care of:

A healthy child under 8 years of age, in determined cases;

A sick child under 14 years of age;

A sick family member.

236. The care allowance in respect of taking care of a child is granted for a period of up to 60 days in a year and in respect of taking care of a sick family member for a period of 14 days. However, the aggregate number of days cannot exceed 60 a year. The care allowance is payable at the rate of 100 per cent of remuneration received in the period preceding the care leave.

237. Care allowances are financed from the Social Insurance Fund.

Planned and introduced changes

238. The following important changes in the group of family benefits presented above came into force in 1995:

The family allowance is a universal benefit totally financed from the State budget;

The family allowance is payable for all families (not only those covered by social insurance), in which income per head does not exceed a specified limit (income criterion);

The family allowance is payable in a fixed amount.

From 1996 the allowances will be adjusted once a year by the ratio of increase in the cost of consumer goods and services.

239. As regards the child-care allowance, it is planned to finance it from the State budget. It is also planned to decrease the care allowance to 80 per cent of remuneration.

Financing

240. The social insurance benefits referred to earlier in this report (with the exception of sickness allowances for workers in socialized establishments) are financed from a separate Social Insurance Fund. The revenue of this Fund comes from social insurance contributions and complementary State budget subsidies. Social insurance contributions for workers are payable totally by employers; they amount to 45 per cent of the wages paid.

241. The social insurance contribution of people performing work on the basis of an agency or mandatory contract equals 40 per cent of the basis of calculation. This contribution is covered 50 per cent by the individual who concludes a contract and 50 per cent by the unit with which a contract has been concluded.

242. The social insurance contribution of members of agricultural production cooperatives and cooperatives of agricultural circles equals 45 per cent of the basis of calculation (35 per cent of the contribution is paid by the production unit and the rest is covered by the State budget). People carrying out economic activity pay social insurance contributions equal to 40 per cent of the basis of calculation. The pension contribution of creative and performing artists equals 29 per cent of the basis of calculation. The social insurance contribution of priests is differentiated; it ranges from 8 per cent to 30 per cent of the basis of calculation.

243. Social insurance benefits for farmers are paid from the contributory Farmers' Social Insurance Fund. The purpose of the fund is to finance accident, sickness and maternity insurance benefits. Farmers pay contributions to the above-mentioned three types of insurance. The contribution rates vary.

244. Unemployment benefits are financed from the Labour Fund, which is the State fund. The main revenues of this fund are State budget subsidies (more than 60 per cent of total revenue) and contributions - collected together with a contribution to the Social Insurance Fund - which are paid at the rate of 3 per cent of the basis of calculation.

Expenditures for social security

245. Expenditures for social security cover the following items:

Pensions;
Family and nursing allowance;
Sickness allowances;
The child-care allowance;
The maternity allowance;
The death grant;
Unemployment allowances;
Expenditures for the health service.

246. Calculations were made on the basis of data from the Statistical Yearbook for 1994, which refer to the year 1993. For comparison the year 1985 was taken. Expenditures for 1985 do not include unemployment allowances, because this category did not then apply in the Polish social security system.

Table 14. Expenditures for social security in 1985 and 1993

	1985		1993	
	in thousand million zlotys	%	in thousand million zlotys	%
Total	1 406	100	371 926	100
Pensions	728	52	231 941 a/	62
Allowances and other social insurance benefits	320	23	51 839 a/	14
Medical care	358	25	72 696	20
Unemployment allowances			18 078 a/	4

Source: Statistical Yearbook of Poland, GUS, 1986, 1994.

a/ Gross expenditures.

247. If the years 1985 and 1993 are compared, change can be noted in the structure of expenditures on social security. The dominance of expenditure for pensions already existing in 1985, had increased significantly, by 10 percentage points in 1993. The share of expenditures for allowances and medical care decreased. A new category of expenditure emerged - unemployment allowances - which, however, did not occupy a significant position in 1993 (4 per cent of total expenditures for social security).

Table 15. Expenditures for social security as a percentage of gross domestic product

	1985	1993
Total	14	24
Pensions	7	15
Social insurance allowances	3	3
Medical care	4	5
Unemployment allowances	-	1

Source: Calculations based on statistical yearbooks of GUS.

248. Between 1985 and 1993 a considerable growth in expenditures for social security was noted, expressed as a share of GDP. In 1985 these expenditures accounted for 14 per cent of GDP and in 1993 for 24 per cent. The increase was mainly favoured by the growth of expenditure for pension benefits, from 7 per cent of GDP in 1985 to 15 per cent in 1993, due to an increase in the number of benefits paid and in their level. The increase in the number of benefits paid is an effect of demographic processes (ageing of the society), as well as legal regulations facilitating earlier retirement. The increase in the level of benefits paid was caused by benefits indexation in 1991 and the introduction of a system of automatic indexation. The change in the level of pension benefits is well illustrated by the change in their relation to the average wage, which was 49 per cent and 62 per cent in 1985 and 1993 respectively.

249. Most social security expenditures are financed from the central budget and from special funds of this budget: the Social Insurance Fund, the Pension Fund 12/ and the Labour Fund. The first two funds finance most pension expenditures and social insurance allowances. Unemployment allowances are financed from the Labour Fund. Expenditures for the health service are mainly financed from the central budget and also from local budgets at the gmina level.

250. The main fund financing social security expenditures, the Social Insurance Fund, was planned to cover expenses from collected contributions. The State budget target subsidy was aimed at financing only benefits for occupational groups released from the obligation of paying contributions but covered by social security (the police and the army). 13/ Besides the target subsidy (still functioning in 1993), the Social Insurance Fund received from

the State budget a complementary subsidy aimed at balancing expenditures and revenue in the case of insufficient revenue from contributions. On account of a demographic trend causing an unfavourable ratio of the number of contribution payers to the number of beneficiaries, as well as unemployment growth, the decrease in the real pensionable age and growth in the level of benefits, for several years recently the revenue and expenditures of the Social Insurance Fund have not balanced and a large additional subsidy was necessary.

251. The farmers' pension fund was planned to be financed for the major part from the State budget and this is the main source of revenue for this fund: more than 90 per cent.

252. The Labour Fund, from which unemployment allowances are paid, is financed 60 per cent from the central budget.

253. Medical care is financed from the central budget and from gmina budgets.

254. In 1993 State budget expenditures for social security accounted for 32 per cent of total expenditures, whereas in 1985 they accounted for only 17.4 per cent.

255. In 1993 expenditures financed from the central or local budgets included subsidies to social insurance and the Labour Fund, as well as health service costs. Most of these expenditures were covered by the central budget. Part of the expenditures for medical care was covered by local budgets.

256. In 1985 social security expenditures were totally financed by the State budget. Part of this budget (for medical care) was administered at the local level. The changing share of social security expenditures in the State budget is mainly caused by the growth of pension expenditures. In 1993, subsidy of the pension systems accounted for 18 per cent of budgetary expenses and in 1985 for only 2 per cent.

257. Because social security financing from the State budget and from the special funds is undergoing certain changes, 14/ the share of expenditures in the budget has been presented in two variants: first as the share in State budget expenditures in a formal sense and second as aggregated expenditures of the budget, also covering expenditures of two basic pension funds.

Table 16. The share of social security expenditures in State budget expenditures

	1985	1993
State budget	17 %	32 %
Aggregated budget	23 %	57 %

Private social insurance schemes

258. No private social insurance schemes exist in Poland. However, every individual may insure his life with institutions dealing in insurance.

Limitation of the enjoyment of social security

259. There are no groups of the population in Poland which do not enjoy the right to social security or enjoy this right to a lesser degree than the majority of the population (see also social welfare). However, social insurance schemes differ, mainly with respect to workers' and non-workers' schemes, presented earlier.

Social welfare

260. To supplement the above information, it should be added that social welfare is an important element of the Polish social security system. It is one of the elements of the State social policy and as such constitutes part of the social security system. It is intended to support the most vulnerable individuals and families, who find themselves in difficult living situations.

261. The role and place of social welfare in the social security system in Poland is determined by the Act of 29 November 1990 concerning social welfare (Dziennik Ustaw of 1993 No. 13, Text 60), which assigns tasks to the social services at three levels: the macro, local and family levels. At the macro level, social welfare is aimed at ensuring social security to those who are not affiliated to other systems, such as pension insurance systems or unemployment allowances. At the local level, social welfare is aimed at the creation of adequate living conditions for the local community and the satisfaction of its social needs. At the family level, social assistance should be provided to families in need so as to ensure their independence in the short term, through financial assistance and social work in the broad sense of this term.

262. Government and self-government administrations are responsible for such social welfare tasks. These tasks are divided into those financed from the central budget and tasks financed from community budgets.

263. In accordance with the above-mentioned Social Welfare Act, social assistance is intended to satisfy the basic needs of individuals and families and enable them to live in conditions of human dignity. If possible, social assistance should enable individuals and families to lead an independent life and to be integrated in their environment, through the provision of support that is adapted to their individual situations. The Social Welfare Act assumes that the primary recipient of support is the family. One of the basic features of the social welfare system in Poland is its family orientation.

264. In accordance with the Social Welfare Act, social assistance is provided in particular to individuals and families in cases of:

Orphanhood;
Homelessness;
Need for protection of motherhood;

Unemployment;
Physical and mental handicap;
Long-term illness;
Broken homes or large families;
Alcoholism and drug-taking;
Difficulties in adjustment to life after leaving a penitentiary;
Natural calamity.

265. The right to social welfare benefits is enjoyed by an individual or a family without any means of subsistence or if income per head in a family is below the level of the minimum old-age pension. At least one of these conditions should be fulfilled.

266. Social welfare benefits are granted at the application of the person concerned, his legal representative or other person subject to the consent of the person concerned or his legal representative.

267. A decision on granting a benefit should be preceded by an environment (family) interview at the permanent or temporary residence of the person concerned. The right to appeal a decision exists.

Social welfare benefits

268. In accordance with the Social Welfare Act, an individual totally incapacitated for work because of age or disability who does not have any source of income and where income per person in the family does not exceed the amount of the minimum old-age pension, is entitled to a permanent allowance. This allowance can also be granted for an individual who ceases work to bring up a disabled child and an individual incapable of working because of disability, which occurred before he reached the age of 18. The permanent allowance is payable at the rate of 28 per cent of the average wage; a supplement to the allowance at the rate of 9 per cent of the average wage is payable to individuals who have reached the age of 75, disabled persons in group I and pregnant women after the eighteenth week of pregnancy.

269. Individuals or families whose income per person does not exceed the amount of the minimum pension and whose incomes and own resources temporarily do not allow them to satisfy their basic needs, mainly because of long-term illness, disability or justifiable unemployment, are entitled to a temporary allowance. The amount of the temporary allowance is 28 per cent of the average wage.

270. The permanent and temporary allowances described above are financed from the central budget.

271. The Government provides special attention to pregnant women or single mothers in a difficult situation as regards their living conditions. They are entitled to cash benefits. The amount of social welfare benefits for pregnant women and single mothers depends on the amount of their disposable income. In the case of women without any source of income, this allowance amounts to 28 per cent of the average wage, whereas in the case of women with a specified income the allowance will be equal to the difference between the amount of the minimum pension and the amount of the income. A child receives a lump sum

allowance equal to 14 per cent of the average wage and a benefit in kind. These benefits for pregnant women and single mothers are payable from the eighth month of pregnancy to the moment when the child attains two months. They are financed from the central budget, whereas the medical allowances, medicines, treatment and costs of benefits in kind are covered by the gmina (local government).

272. In order to satisfy basic needs, for example, to partially or fully cover the costs of medicines and treatment, the repair of an apartment, fuel, the purchase of clothing and so on, a special allowance may be granted, at a rate depending on needs. This task is financed from gmina budgets.

273. The gmina can grant assistance to an individual who decides to start a small business, in the form of a loan on preferential terms or in the form of such facilities as machinery or equipment. In particularly justified cases, if an individual or family applying for social assistance complies with criteria established in the Social Welfare Act, financial assistance may be granted, subject to the partial or full reimbursement of expenses. However, if the reimbursement constitutes an excessive burden (which could cancel out the effects of the assistance) for an individual or family, the Social Welfare Centre can abandon its claim to such reimbursement.

274. Individuals who require assistance of other persons because of age or for other reasons are entitled to care services rendered by qualified guardians. Such services include assistance in the satisfaction of daily living needs, basic hygienic care recommended by a doctor and, if possible, assurance of contacts with the social environment.

275. Individuals who, even with the services of a professional guardian are not able to manage in their previous environment can be placed in the various kinds of specialized social welfare institutions.

276. Apart from the financial benefits paid by a social welfare centre, which are available after specified criteria are met, the Act provides for many non-financial forms of assistance, such as social work and the provision of various forms of legal, educational and psychological advice. The needs of the local community and the capacity of communal social welfare institutions determine the many and varied forms of activity of the social welfare centres.

277. During the period 1990-1994 the number of individuals and families receiving social welfare benefits on a regular basis increased. This was caused by the changes taking place since the early part of the 1990s (above all in the economic sphere) which affected the social situation of society.

278. In 1991 social assistance (regardless of the kind and scope of the assistance granted) was provided to 2,327,892 individuals, about 40 per cent more than in the previous year. On the other hand, the amount paid for the performance of social welfare tasks increased in comparison with 1990 by over 180 per cent.

279. The year 1992 was characterized by a decrease in real wages, an increase in the cost of living and unemployment, which led to an increase of the number of individuals benefiting from social welfare. The environmental social

welfare carried out the tasks set out in the Social Welfare Act, reducing to a minimum in the best possible way the negative consequences of the changes under way. In 1992, irrespective of kinds and forms of benefits, the assistance covered 3,039,518 individuals, an increase of 30 per cent in comparison with the previous year. The biggest increase in the number of individuals receiving social welfare benefits was in the group of the unemployed (120 per cent).

280. In 1993, 3,000,536 individuals were granted social assistance, a decrease of 1.3 per cent in comparison with the previous year. This did not mean that a lesser number of individuals were in need of social assistance. At the same time, an almost threefold increase in the number of individuals receiving unemployment benefits was noted. Lack of resources for social assistance caused the number of persons and families receiving social assistance to be limited to those in the most difficult situation. At the same time, 250,000 individuals did not take advantage of social welfare benefits in spite of the fact that they met the criteria set out in the Act.

281. For two months of 1993 new tasks were performed on the basis of the Order concerning assistance to pregnant women and women taking care of a child. In total 81,037 women and 43,384 children were granted benefits. However, about 30,000 women entitled to this form of assistance were not granted benefits because of lack of resources. In spite of an investigation into the scale of the problem having been carried out, the actual number of women applying for these benefits considerably exceeded the number estimated. In June 1993, the number of women entitled to this form of assistance was estimated at 10,000. However, in the first days of December, 80,494 women applied for assistance. The compulsory character of the benefit for pregnant women and women taking care of a child resulted in low-income families often not being granted benefits, because of the priority given to women.

282. In order to adjust the timing and forms of assistance to financing possibilities, the Labour Ministry drafted an amendment to the Order. The period of entitlement to the benefit was shortened and its amount was made dependant upon a woman's income. A part of the tasks carried out by the governmental administration was transferred to local governments. The amended text of the Order came into force in April 1994.

283. In 1994 the most numerous group of individuals benefiting from social welfare benefits were the unemployed and pregnant women and women taking care of a child.

284. In spite of increasing social welfare expenditure, the needs of entitled individuals are not satisfied and all activities carried out by the social services are aimed at providing various forms of non-financial support, which to some degree would compensate budget shortages.

285. In today's difficult financial situation for social welfare, we note with satisfaction that the share of community budgets in the implementation of social welfare tasks increased from 26.4 per cent in 1992 to 38.7 per cent in 1994.

Unconventional forms of non-material social assistance provided by social welfare centres

(i) "Occasional" activities

286. These activities are most often financed by social welfare centres with the financial participation of sponsors (institutions, firms, shops, religious associations, non-governmental organizations, etc.) and cover:

Organization of Easter and Christmas time for the lonely and the poorest under the charge of social welfare centres (Christmas Eve, the possibility to spend Christmas in a social welfare institution (house), packages, celebration of Santa Claus Day on 6 December for children, Child's Day, lotteries, etc.);

Organization of summer and winter holidays for children of the poorest families;

Collections of winter clothing, purchase of school accessories for children and food.

(ii) Material assistance

Organization by social welfare centres of shops with clothing, food and sanitary goods (coming from the collections of social welfare centres) which are delivered free of charge or cheaply sold to persons under the charge of social welfare centres;

Organization and maintenance of so-called cheap canteens at the social welfare centres or houses;

Periodical and permanent collection of household equipment (social welfare centres often manage to obtain this kind of equipment on the occasion of the liquidation of holiday centres or from private persons and shops);

Supplementary food campaigns for children (social welfare centres participate in the cost of meals at schools);

Additional payment of fares of children and youth to schools, payment for day-rooms, boarding schools and stays at education centres.

(iii) Activities undertaken to alleviate the effects of unemployment

Guidance in matters of economic independence, granting loans (assistance in kind) for economic independence;

Duties of social employees in local labour offices;

Employment by social welfare centres (as possibilities arise) of unemployed women in household tasks;

Organization of job clubs at the social welfare centres in which the unemployed have the possibility to use a telephone or talk with a psychologist or a lawyer;

Organization of specialized groups of social workers at the social welfare centres who take care of the unemployed;

Organization of training for the unemployed;

Organization of care for unemployed women's children when they seek employment;

Creation of mutual aid groups of unemployed people whose aim is to support psychologically the long-term unemployed;

Mediation in seeking employment (through direct contacts of social workers with employers, "catching" offers);

Organization at social welfare centres of small workshops providing services for people under the charge of the centres and employing the unemployed clients of social welfare;

Maintenance of the "bank" of information regarding institutions and organizations working on behalf of the unemployed;

Organization of family holidays for the unemployed;

Organization of meetings with unemployed people and people particularly threatened by long-term unemployment concerning problems connected with the labour market;

Close cooperation with non-governmental organizations dealing with problems connected with unemployment.

(iv) Undertakings on behalf of the disabled and elderly people

Cooperation with the state and local administration units, non-governmental organizations and other institutions dealing with problems of the disabled;

Provision of individual guidance;

Cooperation with other bodies with regard to the removal of architectonic barriers and integration of the disabled into their environment;

Organization of rehabilitation holidays of a fixed period of time;

Maintenance of centres hiring rehabilitation equipment;

Organization of entertainment and meetings for the disabled;

Issuing directories addressed to the disabled;

Organization of transport services for the disabled;

Organization of occupational therapy workshops;

Organization (often with the participation of secondary school pupils and scouts) of various services on behalf of the disabled and elderly people;

Participation in the organization of mutual aid groups (for example, mothers of mentally handicapped children);

Integration of entertainment for healthy and disabled children;

Organization of therapy for handicapped children (for example, hypotherapy);

Enabling rehabilitation through the organization of gymnasiums in which activities are guided by professional personnel;

Cooperation with social welfare houses which enables the disabled to make use of their rehabilitation rooms, canteens, special interest activities or cultural events and trips, etc.;

Home delivery of newspapers and magazines or books from libraries for the disabled;

Transportation of food to houses of the disabled and elderly people;

Organization of therapeutic holidays.

(v) Undertakings on behalf of the family

Preventive action, counteracting the break-up of families, through psychological and pedagogical counselling, creation and realization of local preventive and educational programmes and cooperation with specialized bodies for the solution of family problems;

Cooperation of social workers with school educators and court curators dealing with families assisted by the social welfare centres;

Organization of therapeutic assistance: individual therapy, therapy for couples in a critical situation, family mediation, stimulation of activities aimed at the organization of assistance groups for families;

Organization of houses with canteens for "homeless families";

Organization of houses for mothers and children, in which assistance is given to women and children suffering from violence in the family;

Specialist guidance and therapy for families with the problem of drinking or taking drugs (AIDS);

Organization of the so-called houses of independent life;

Organization of family centres for crisis intervention.

(vi) Counselling and guidance

Assistance in collecting together the documents necessary to acquire pensions;

Exceptional services within the framework of social insurance, disability pensions;

Assistance in obtaining maintenance payments (alimony);

Facilitating unpaid consultations with a lawyer or psychologist (depending on needs);

Acting on behalf of particularly disabled people;

Therapeutic assistance;

Organization and maintenance of community centres with educational, tutelary and therapeutic profiles,

Guarantee of medical services, particularly for persons in need of psychiatric assistance;

Guidance with regard to the possibility of changing jobs.

Changes introduced and foreseen

287. The Social Welfare Act of 29 November 1990 was amended in January 1993. The main changes concerned the transfer of the financing of certain social welfare activities (such as the allowance for economic independence and assistance services) to local government budgets. Basically, the rest of the changes did not influence the shape of the social welfare system in Poland, as regulated by the Act of 1990. At present, work is in progress to amend the Act further, which is indispensable in view of the economic and social changes taking place in Poland.

The projects of the World Bank and PHARE are in the process of realization and training of Polish personnel abroad is taking place as well.

Legal acts

288. The legal acts relevant to the implementation of article 9 are the following:

The Act of 17 December 1974 concerning cash social insurance benefits in respect of sickness and maternity (uniform text Dziennik Ustaw of 1983 No. 30, Text 143; amended in 1985 Dz.U. No. 4, Text 5, of 1986; Dz.U. No. 42 Text 202, of 1989, Dz.U. No. 4 Text 21; Dz.U. No. 35, Text 192, of 1991; Dz.U. No. 104, Text 450; Dz.U. No. 106, Text 457; Dz.U. No. 110, Text 474);

The Act of 25 November 1986 concerning organization and financing of social insurance (Dziennik Ustaw of 1989 No. 25, Text 137 and No. 74 Text 441, of 1990 No. 36 Text 206; of 1991 No. 7 Text 24, No. 104 Text 450 and No. 110 Text 474);

The Act of 14 December 1982 concerning pension security for workers and their families (Dziennik Ustaw No. 40, Text 267, with further amendments);

The Act of 17 October 1991 concerning pensions indexation, principles of pensions calculation and amendment of certain Acts (Dziennik Ustaw No. 104, Text 450, with further amendments);

The Act of 12 June 1975 concerning benefits in respect of employment accidents and occupational diseases (Dziennik Ustaw of 1983 No. 30, Text 144; of 1989 No. 35, Text 192; of 1990 No. 36, Text 206 and No. 92, Text 540; of 1991 No. 94, Text 422 and No. 104, Text 450);

The Act of 27 September 1973 concerning pension security of artisans and their families (Dziennik Ustaw of 1983 No. 31, Text 145; of 1986 No. 42, Text 202; of 1989 No. 35, Text 190 and of 1990 No. 36, Text 206);

The Act of 19 December 1975 concerning social insurance of people performing work for socialized economic units on the basis of agency or mandatory contracts (Dziennik Ustaw of 1983 No. 31, Text 146; of 1989 No. 32, Text 169 and No. 35, Text 190; of 1990 No. 36, Text 206; of 1991 No. 110, Text 474);

The Decree of 4 March 1976 concerning social insurance of members of agricultural production cooperatives and cooperatives of agricultural circles and their families (Dziennik Ustaw of 1983 No. 27, Text 135; of 1989 No. 35, Text 190 and of 1990 No. 36, Text 206);

The Act of 18 December 1976 concerning social insurance of people carrying out economic activity and their families (Dziennik Ustaw of 1989 No. 46, Text 250; of 1990 No. 36, Text 206 and of 1991 No. 110, Text 474);

The Act of 20 December 1990 concerning social insurance of farmers (Dziennik Ustaw of 1993 No. 71, Text 342);

The Act of 17 May 1989 concerning social insurance of priests (Dziennik Ustaw No. 29, Text 156; of 1990 No. 36, Text 206);

The Act of 29 November 1990 concerning social welfare (Dziennik Ustaw of 1993 No. 13, Text 60);

The Act of 16 October 1991 concerning employment and unemployment (Dziennik Ustaw of No. 106, Text 457 with further amendments);

The Order of the Council of Ministers of 29 January 1990 concerning the level and basis of calculation of social insurance contributions, notifying to social insurance and accounting of social insurance contributions and benefits (Dziennik Ustaw of 1993 No. 68, Text 330);

The Order of the Minister of Labour and Social Policy of 10 April 1989 concerning family and nursing allowances (Dziennik Ustaw of 1993 No. 110, Text 492);

The Order of the Council of Ministers of 6 June 1983 concerning principles of calculating social insurance allowances and covering expenditures on these allowances (Dziennik Ustaw No. 33, Text 157, amended in 1985 No. 35, Text 165; of 1986 No. 15, Text 84; of 1988 No. 3, Text 16; of 1989 No. 8, Text 49 and No. 41, Text 226).

Article 10. The right to protection and assistance for the family

Ratified international instruments

289. Poland is a party to the following Conventions:

International Covenant on Civil and Political Rights;

Convention on the Rights of the Child;

Convention on the Elimination of Discrimination against Women;

ILO Maternity Protection Convention (Revised) 1952 (No. 103);

ILO Minimum Age Convention, 1973 (No. 138).

The meaning given to the term "family"

290. When examining the meaning attributed to the term "family" in Polish society, we should take into account the historical context. During the period of partition and state "nonentity" (nineteenth century) the family was the most important element of the cultural and national survival of the Poles. It was one of the fundamental social values. This priority place in a hierarchy of recognized values has been maintained. It is confirmed by periodic sociological surveys. It found its reflection in the constitutional norms of the State. Article 5, paragraph 7 of the Constitution of the Republic of Poland provides that the Republic of Poland, concerned with national development, takes care of the family, maternity and the up-bringing of the young generation. This principle is developed by article 79, which provides that marriage, maternity and the family are under the protection and care of the Republic of Poland. Multi-children families are subject to the particular care of the State.

291. Another constitutional norm concerns the well-being of children and the equal rights of children irrespective of their origin: born in wedlock or out of wedlock.

292. Marriage is the basis of the majority of Polish families. In sociological definitions of the family it finds a significant expression: they emphasize that the family is a group composed of people linked by a marital relationship and a parent-child relationship (kinship or adoption). The main family functions consist in maintaining the biological and cultural continuity of the society. Other functions are providing children with a social position, as well as preventing disintegration and exercising social control, particularly with regard to the young generation. What is referred to is the small bi-generational family, which is a basic element of the social structure. In Poland, traditional strong bonds and relations are maintained between the small bi-generational family and the larger family, composed of several generations, with members united by kinship relations (National Population Census, 7 December 1988).

293. For technical purposes (for the requirements of statistical studies of the National Population Census) it was considered that "the family means a group of people separated in the framework of a household on the basis of a biological criterion. The following types of families have been distinguished: spouses without children, spouses with children, single mothers with children, single fathers with children".

294. The Polish Family and Guardianship Code is based upon the principle of equality of rights and obligations of spouses. These obligations emerge as the result of a marriage. Non-marital unions (concubinage) are deprived of the legal consequences which result for spouses from contracting a marriage. It should be stated that in the literature it is pointed out that the family - as a social group - is not a subject of law. Family members are subjects of rights and obligations (Family and Guardianship Code).

The age at which children are deemed to attain their majority for different purposes

295. Majority is attained by a Polish citizen who has reached the age of 18 years. He/she acquires political rights (first of all active electoral rights) and full capacity to undertake legal transactions, which means the capacity to bring about legal effects by one's own behaviour, that is to acquire rights and contract obligations (Civil Code). Full and limited capacity to undertake legal transactions is distinguished. The latter concerns people between 13 and 18 years of age. This means that for contracting obligations and disposing of rights the consent of a legal representative is necessary. Without such consent a young person may conclude agreements in minor, daily issues, for example may dispose of his/her earnings or of objects received from the legal representative for his/her free use.

296. Other age criteria have been determined as a condition for contracting a marriage: 21 years of age for a man and at least 18 years of age for a woman. This is an expression of the legislator's concern that the decision to create a family is taken by people aware of their responsibilities for the well-being and survival of the family. However, the guardianship court may, for important reasons, allow the marriage of a man who has reached the age

of 18 years or a woman who has reached the age of 16 years. Earlier marriage has its effects in the sphere of civil law. The persons concerned acquire full capacity to undertake legal transactions. They retain this right even in the event of the dissolution of the marriage.

297. Other age criteria are applied in the labour law. In accordance with the Labour Code (art. 190, para. 2) it is prohibited to employ a person who has not reached the age of 15 years. The expression "young person" is used, meaning a person who has reached the age of 15 years but is not above the age of 18 years. Recognition that only people above 18 years of age may be parties to an employment relationship is connected with the civil law principle concerning acquiring full capacity to undertake legal transactions. The lower limit of 15 years is connected with the present education system. It is the age at which pupils normally complete primary school. Legislation also provides for the possibility of employment of a person who is above 14 and under 15 years of age - under condition of having completed primary school. Such person can be employed for the purposes of vocational training at a request of his/her legal representative. 15/

Assistance to and protection of the family and maternity protection

298. The constitutional provision concerning maternity and family protection is developed in more detail in other provisions of the Constitution, legal systems and the society security system, particularly in regard to social benefits.

299. The Constitution emphasizes guarantees of the equal rights of men and women, *inter alia* in provisions concerning protection of the mother and child, protection of the pregnant woman, paid leave in the period before and after confinement, development of a network of maternity clinics, nurseries and kindergartens, development of a network of services and collective feeding. Living conditions of families are also affected by the exercise of other rights: to health protection, education, rest and the right to work.

300. Legal protection is based upon the provisions of family, civil and administrative law.

301. The Polish legislation maintains such principles as the enduring nature of the marital union and of the family, the principle of the equality of spouses, the principle of the well-being and equal rights of children irrespective of their origin: born in wedlock or out of wedlock. Family rights are subject in the first place to judicial protection through family and guardianship courts. The concept of such courts is derived from the idea of matters concerning the family being examined by one court. These courts are assisted in all family cases examined by them by specialized bodies: court curators, curators centres for work with young people, family diagnostic and consultative centres.

Maternity protection

302. The maternity protection system in Poland is composed of:

A system of special protection of pregnant women and women raising young children (employment and adequate remuneration guarantees), as well as of protection of this group of women at work (prohibition of employment at determined posts, at night, on overtime);

Cash social insurance and social welfare benefits for women fulfilling criteria prescribed by law (maternity, confinement and child care allowances, social welfare allowance for pregnant women of limited means);

Benefits in kind for pregnant women and women raising young children (for example, single mothers without sources of maintenance) in the form of layette;

Benefits in the form of services rendered by various institutions, including medical services (for example medical care of a pregnant woman, vaccination of infants), care services (nurseries, kindergartens) or in the form of care and maintenance in houses for single mothers.

303. Work protection in connection with maternity is provided for in the Labour Code and concerns women workers employed on the basis of an employment contract, appointment, election, nomination or cooperative work contract. In accordance with the Code this protection covers:

Employment guarantee - an establishment must not terminate, with or without notice, an employment contract in the period of pregnancy and maternity leave,

Protection guaranteed to all women: they must not be employed on particularly arduous and harmful jobs (list of jobs prohibited for women);

Particular protection at work - pregnant women must not be employed on overtime or night work or given an assignment outside their permanent place of work without their consent; an establishment is obliged to transfer a pregnant woman to other work if she is employed on work that is prohibited for pregnant women;

Wage guarantees - where a pregnant woman worker's transfer to other work results in a reduction in her rate of remuneration, she is entitled to a compensatory allowance at the rate of 100 per cent of remuneration;

The right of breastfeeding women workers to two half-hour breaks in the course of work, reckoned as working time.

304. In Poland cases of violation of women's labour protection provisions, confirmed by the State Labour Inspectorate, are not very frequent. For a total number of 63,300 offences against worker's rights (in small and large

establishments, in the public and private sector) less than 5 per cent concerned the protection of women workers or juveniles or the termination of employment contracts in serious violation of labour law provisions. 16/

305. Many types of benefits are provided for employed women in respect of maternity. The most important of them are the social insurance benefits for workers: maternity leave and allowance, confinement allowance, child-care leave and allowance, care leave and allowance.

306. Maternity leave is granted to a woman worker at the rate of:

16 weeks for her first confinement;

18 weeks for each subsequent confinement;

26 weeks where she is delivered of more than one child on any given confinement and eight weeks where her child is stillborn or dies during the first six weeks of life.

A woman worker who adopts a child is entitled to maternity leave at the rate of 18 weeks.

307. At least two weeks of maternity leave should be taken before the expected date of confinement and at least:

12 weeks after confinement if the leave amounts to 16 weeks;

14 weeks after confinement if the leave amounts to 18 weeks;

22 weeks after confinement if the leave amounts to 26 weeks.

Any maternity leave not taken by a woman before her confinement is granted afterwards.

308. The period of the leave (payment of the allowance) is the same for the first child in the case of individual farmers and amounts to 16 weeks. However, for every subsequent child it is two weeks shorter than for workers and other entitled groups and amounts respectively to: 16, 24 and 6 weeks (workers and other groups respectively: 18, 26 and 8 weeks).

309. The above provisions for the granting of maternity leave were introduced in 1972 (for farmers in 1982) and they have not undergone any changes.

310. During maternity leave, workers and other entitled groups (outside individual farming) are entitled to an allowance at the rate of 100 per cent of the average monthly remuneration they received during the three-month period prior to the leave (this provision was introduced in 1972).

311. For individual farmers the rate of the maternity allowance (from 1 January 1991) is equal to eight weeks' sickness allowance (the sickness allowance is payable at the rate of one thirtieth of the basic old-age pension for every day of incapacity for work).

312. Child care leave for a period not exceeding three years is granted to a woman worker (a member of an agricultural production cooperative) who has been employed for at least six months, in order to allow her to take personal care of a child under four years of age. The leave may be taken by the child's father, upon the mother's consent. In particular situations (sickness, death of a woman worker) her closest relatives are also entitled to the leave. The leave at its basic rate may be prolonged for the subsequent three-year period if the child requires the personal care of the mother on account of his/her health condition (chronic illness, handicap, mental retardation). The provisions regarding the taking of such leave were introduced in 1981 and have not undergone any changes.

313. Changes have been introduced in the conditions for eligibility for the child care allowance. Previously, an income requirement had to be fulfilled to receive this allowance: the allowance was granted to a woman if the monthly income per head in her family did not exceed a fixed amount. Changes were introduced in May 1989. The allowance can be granted if income per head in a worker's family does not exceed 22 per cent of the average wage in the national economy (in 1989, for the previous year; from March 1990, for the preceding quarter). In 1989 the rate of the allowance was determined at 25 per cent of the average wage in the national economy (in 1989, for the previous year; from March 1990, for the preceding quarter). On 1 June 1992 a fixed rate of benefit was introduced (512,000 zlotys) and indexation applied. The allowance is increased by a percentage of the growth in the average monthly wage between the quarters preceding the date of indexation.

314. Single mothers raising their children alone are entitled to preferential treatment. Their allowances are higher. Since 1989 the allowance for single mothers has been determined at the fixed amount of 818,000 zlotys, subject to quarterly indexation under the general provisions. The allowance is payable for a period of 24 months, or 36 months if a woman takes care of more than one child born at a single confinement or a child requiring care on account of his/her health condition, or if she is a single mother.

315. Care leave and the care allowance are granted to workers (and members of an agricultural production cooperative) in order to take care of a sick child under 14 years of age or a healthy child under 8 years of age (in the event of the unexpected closure of a nursery, kindergarten or school), in the event of the confinement or sickness of the spouse who takes permanent care of the child. In accordance with provisions in force since 1974, care leave and a care allowance at the rate of 100 per cent of the worker's remuneration could be granted for a period of 60 days in a calendar year, irrespective of the number of children requiring care. Since 1 March 1995, the monthly care allowance has been payable at the rate of 80 per cent of remuneration.

316. The lump sum confinement allowance is a benefit connected with childbirth. It was introduced in 1974. Earlier it was granted only to women workers or wives of workers (members of agricultural production cooperatives). From 1978, women individually running farms were covered by this allowance and, since 1982 farmers' wives. At present this allowance is granted to all mothers. Since 1992, its amount has been determined at the rate of 12 per cent of the average wage in the national economy (for workers and other

groups outside individual farming) and from 1 March 1995 it will amount to 15 per cent of this wage. For individual farmers the allowance is equal to three times the basic old age pension.

317. Maternity benefit coverage is limited. Only workers (women workers and workers' wives) and members of production cooperatives are entitled to all the maternity benefits described. Maternity and confinement allowances are granted to women farmers and farmers' wives, artisans and their wives, as well as agents.

Table 17. Entitlement of women in various socio-professional groups to social insurance benefits in respect of maternity (as at the end of December 1994)

Socio-professional group	Kinds of benefits			
	Maternity allowances	Confinement allowances	Child care allowances	Care allowances
Workers in socialized and non-socialized establishments, and establishments owned by individuals which employ workers	Yes	Yes	Yes	Yes
Members of agricultural production cooperatives	Yes	Yes	Yes	Yes
People working on the basis of agency and mandatory contracts	Yes	Yes	No	No
Artisans and self-employed people	Yes	Yes	No	No
Individual farmers	Yes	Yes	No	No
Attorneys	Yes	Yes	No	No
Creative artists a/	No	No	No	No

a/ This group has no right to maternity benefits; however, they are entitled to pension benefits, similar to all other insured groups.

318. On the basis of the Act of 1993 concerning family planning, protection of the human foetus and conditions of permissibility of abortion, since November 1993, within the framework of the social welfare system, obligatory social benefits have been introduced for pregnant women and women raising young children without any means of subsistence. Initially these allowances were granted to women starting from the fourth month of their pregnancy to the

sixth month of the child's life; since April 1994 they have been granted for a shorter period (four months), that is from the eighth month of pregnancy to the second month of the child's life.

319. These allowances were paid on a monthly basis (from November 1993 to March 1994) at the rate of: 28 per cent of the average wage; 15 per cent of the average wage for each child born at the latest confinement.

320. In addition, eligible mothers had the right to a lump sum allowance at the rate of 28 per cent of the average wage for the purchase of infant's clothes for every child born. Since April 1994 the allowance has ben granted at the rate of 28 per cent of the average wage for women without any source of maintenance and at a lower rate for women having an income below the minimum old age pension. The lump sum allowance is payable at the rate of 14 per cent of the average monthly wage for every child born at the latest confinement. Additionally, a mother is entitled to an allowance in kind to cover the most necessary requirements of every child born.

321. On account of the insufficient financial resources of the State budget, implementation of the above-mentioned programme of assistance for non-working pregnant women and women with small children faced serious difficulties in 1994 and a considerable part of eligible women could not be provided with assistance. State arrears in respect of assistance for pregnant women have been made up in the subsequent year.

322. Beside the system of cash benefits described above, maternity protection in Poland includes benefits provided by health service institutions.

323. Eligibility for these benefits was related to the development of the social insurance system. Free medical care was provided to workers and their wives (workers of socialized establishments) in 1946. It was subsequently extended to women workers and wives of workers (members) of agricultural production cooperatives (1962), creative artists (1973), agents (1975), the self-employed (1976), farmers (1978) and individual farmers' wives (1982). This means that at present almost all socio-professional groups are entitled to health care benefits.

324. In connection with the phenomenon of unemployment in Poland, health benefits have been granted to recipients of unemployment allowances and training allowances (under the Act concerning employment of 1989) and to members of their families (under the Act concerning employment and unemployment of 1991). At present, on the basis of the Act of 14 December 1994 concerning employment and counteracting unemployment, the benefits provided by health service institutions are granted to all registered unemployed people, irrespective of their entitlement to the unemployment allowance. Thus, health service benefits are granted to all working mothers (pregnant women), also those who work on a farm, women with unemployed status and wives of the unemployed. On the basis of the Act of January 1993 concerning family planning medical care has been extended to a child conceived and his mother, also to other groups of women, that is jobless women without any sources of maintenance.

325. Over the whole post-war period all pregnant women and women with young children were provided with free medical care (consultations, compulsory vaccination of infants, etc.). They could also take advantage of legal advice both in public administration offices, in State social welfare centres and in non-governmental women and family organizations which dealt with family guidance, pre-marriage counselling, etc.

326. The system of maternity protection in Poland also includes a system of houses for single mothers (in the 1990s) run by the State social welfare institutions and by religious groups and other voluntary organizations. Temporary - usually up to one year - care and maintenance in these houses may be provided to single pregnant women and to single mothers with young children without any means of subsistence who are homeless.

Measures of protection and assistance for the family in child raising

Cash benefits

327. The range of social cash benefits was developed in previous years. In the period of transformation the basis for their allocation was modified.

Family allowances

328. The provisions concerning their allocation have undergone the biggest changes. The list of eligible persons was broadened (the unemployed and students were included); on the other hand, the list of children for whom family allowances were granted was limited by means of lowering the age limit for children continuing in education which constituted the criterion for obtaining the allowance. The method of calculating the amount of the allowance was changed, in favour of a fixed amount, which led to a decrease in the role of this benefit in creating income (table).

329. Starting from 1 March 1995, the system of family allowances has undergone basic changes (Act of 1 December 1994). It is to be a scheme outside the insurance system. The allowance will be allocated to families with an income per person of no more than 50 per cent of the average wage in the national economy. The amount of the allowance will be 210,000 zlotys per child (which constitutes 4.9 per cent of the average net wage in 1994). Once a year (starting in 1996) the family allowance will be subject to indexation on the basis of the increase in the price of consumer goods and services.

330. The allowances for families bringing up disabled children are linked to the family allowances. They are nursing allowances, given to children in disability groups I and II (regardless of age) and children up to 16 years of age if they need permanent care on account of their state of health. During the transition period the amount of the allowance was established as 10 per cent of the average monthly wage.

331. Benefits from the alimony fund are paid to families which do not receive the alimony that is awarded and whose income per person does not exceed a fixed level. During the transition period it was determined that assistance from the fund should amount to up to 30 per cent of the average monthly wage, thus preventing the lowering of the relative amount of this allowance.

332. Survivor's pensions are allocated in the case of the death of the family breadwinner. They are included in the system of old age and disability pensions. Their amount is fixed proportionally to the allowances which the deceased would have received (i.e. the old age or disability pension). Pensions are subject to indexation on the basis of rules applicable to the whole system of pensions.

333. School and university students are given material help in the form of: scholarships (social and for good academic results), extra allocations for accommodation costs and meals at a canteen, benefits and compassionate allowances.

334. In the case of pupils the amount of social scholarships depends on the pupil's material situation and is double the family allowance. Scholarships for students (of a social character and for results in studies) cannot exceed 90 per cent of the lowest basic income of an assistant. The extra allocation for accommodation amounts to 50 per cent of a boarding school or students' hostel. The extra allocation for meals consists of the difference between the full cost and payments covering the costs of raw materials, borne by the users of the canteen.

Taxation system

335. In countries with a market economy, taxation systems are an important instrument of family policy. In Poland, the restructuring of the taxation system took place during the transition period. New regulations, binding since 1 January 1992, have introduced a tax on personal income. In this system of this taxation there are no reduced rates based on the family situation of the taxpayer. The system only takes into consideration some aspects of the family situation of the taxpayer.

336. In general the incomes of a couple are subject to separate taxation. However, in the case of common ownership by a couple, there is a possibility to deduct tax at a rate corresponding to half of the total income of the couple (splitting system).

337. As the result of social pressure, this rule was broadened to cover persons raising children alone. In practice, this means that the income of a person who is bringing up children alone is divided into two and on the resulting amount, constituting half of the income, tax is calculated and multiplied by two. In the beginning this right was allocated to single people whose personal income was no bigger than a particular sum. Starting from 1 January 1994, as the result of a ruling by the Constitutional Tribunal, this income criterion has been annulled.

338. Personal taxable income may be decreased by the deductions described in the legal regulations. They include:

> Rehabilitation expenses borne by a disabled person who is a tax payer and those due to the disability of family members supported by the taxpayer, as well as the cost of nursing services at home, social care services, and camps for disabled children and children of disabled persons;

> Educational expenses of children and youth in non-public schools with public school rights up to an amount equal to one fifth of the average annual income. In 1995 there will be an obligatory limit on these expenses to 20 per cent of the sum constituting the upper limit of the first section of the taxation scale for that year (i.e. 12,400 zlotys).

339. The tax reduction for children's education in non-public schools is being introduced against a background of pressure from two contradictory viewpoints. On the one hand, this rule gives rise to social controversy, as it favours families which are in a relatively better material situation. On the other hand, there is strong pressure to maintain this tax reduction from the social circles which benefit from it.

Benefits in kind

340. During the transition period the most important changes are those connected with benefits in kind, mainly in the form of services considered as investments in the young generation (human capital). These changes resulted from a decrease in the budget for this area, which led to the abolition of some institutions (in the period in question the number of institutions providing social services for families decreased) and limitation of the range of activity of others. New sources of financing have been sought (foundations, self-employment) and there is a trend towards partial or full privatization. In practice this has meant that the increase in the cost of services is borne directly by families.

341. Changes of an organizational and legal character have also been introduced, consisting in decentralization and transfer of the part of the State's privileges to local government. The conditions were created to increase the participation of the private sector in the establishment and maintenance of institutions providing social services. Therefore, the situation with regard to the provision of assistance to the family in kind and in the form of services has also changed.

342. Infant nurseries provide daily care for children from their sixth week until their third year. Organizational changes (introduced in 1991) consisted in gminas taking over the organization, maintenance and financing of these institutions. On one hand, this led to the closure of some of these institutions (due to lack of financial resources), on the other hand, it meant freedom in the establishment of rules and charges for the services of nurseries, which resulted in increased costs for parents of children using them.

343. Kindergartens provide care, but also fulfil an educational function for children aged three to six. As in the case of nurseries, changes in their organizational and financial rules (with the gminas taking them over) influenced costs. Apart from the cost of meals, parents now bear the cost of additional services (for example, activities over and above the programme). Some gminas introduced fixed payments for services.

344. Organizational and financial changes have also begun to be introduced in the field of education. Primary schools are gradually being taken over by the gminas. Public schools are mainly financed from the budget. There is also a

possibility to obtain income from additional sources (for example, foundations, sponsors). With the constitutional provision concerning free education, schools are increasing the amount of existing payments for parents' committees and they also increase or introduce payments for activities additional to the obligatory teaching programme (which has suffered significant restriction).

345. The number of non-public schools is increasing. Independently from their own financial sources, these schools receive budgetary subsidies (50 per cent of expenses per pupil in a public school). Parents are obliged to bear the basic cost of tuition.

346. In order to give assistance to "the family as the natural and basic unit of society", a system of guidance has been organized in the Polish educational system consisting of: educators and schools psychologists; psychological and pedagogical clinics; institutions providing assistance and education of a preventive nature (educational centres, therapeutic club rooms, etc.).

347. With regard to children and youth, school, through teachers and tutors, assists the family in its educational functions.

348. The duties of the tutor and school psychologist (Regulation No. 15 of the Minister of National Education of 25 May 1993 concerning principles for providing pupils with psychological and pedagogical assistance) include activities in the sphere of family guidance. Moreover, tutors are obliged to pay particular attention to a school's or institution's compliance with the provisions of the Convention on the Rights of the Child. In psychological and pedagogical clinics at present functioning in the Polish educational system, (6,600 tutors and psychologists are employed in 594 clinics) separate posts or teams have been established for family education. There are 78 such teams in the country. Within the framework of assistance to families they provide mediatory services. Most often they provide therapy to families in crisis (in 1993/1994 such assistance was given to 7,600 people). Employees of the psychological and pedagogical clinics inform parents at school meetings and interested persons through the mass media of the range of assistance which families may obtain in these institutions. At the central level, the Workshop for Family Guidance was created in the Methodical Centre for Psychological and Pedagogical Assistance at the Ministry of National Education.

349. Significant assistance is also provided by the welfare and adoption centres (62 such centres exist in the country) established in order to initiate and assist supplementary forms of social welfare and family education. They assist in solving problems resulting from taking care of a child by the parents - substitutes, foster parents, family houses for children and also, educationally inefficient natural families. These institutions offer various forms of guidance and pedagogical assistance to natural parents or persons who are candidates to become substitute parents. They assist both the family and the child, through pedagogical activities, supporting children in compensating for deficiencies and dealing with outstanding school work, and developing interests.

350. The range and effectiveness of the material assistance provided are conditioned by the amount of financial resources assigned for this purpose

from the State budget and the local budgets of gminas maintaining schools and educational institutions. The amount of financial means at present assigned for scholarship assistance does not fulfil social needs in this field. Although the legal regulation is positive, this situation limits the provision of the above-mentioned services for children and youngsters who are studying. The table below illustrates the range of assistance in the form of scholarships and compassionate allowances rendered to children and youth in different types of schools in 1993.

Table 18. Pupils receiving scholarships and compassionate allowances in 1993
(% of total)

Type of school	Scholarships	Compassionate allowances
Primary	0.02	0.1
General secondary	0.44	0.32
Vocational	0.7	0.47

Source: Ministry of National Education.

351. With regard to children's nutrition, the data for children aged 11 to 15 present the following picture:

15 per cent of children come to school without having had breakfast;

24 per cent of children do not eat any meal during the school day;

7 per cent of children say that they sometimes suffer hunger because of the lack of financial means in their family environments.

352. To address the problem of undernutrition in children and youth attending school a system of so-called "second breakfasts" has been organized in schools by the Ministry of National Education in cooperation with the Ministry of Health and Social Welfare, and with the participation of the State Institute of Food and Nourishment. The table below presents in percentages the participation of pupils from public and non-public primary schools (in towns and in the country) in the school meal programme in the school year 1992/1993.

Table 19. Pupils from public and non-public primary schools eating meals at school in the school year 1992/1993
(% of total)

Type of meal	Pupils of public primary schools (town)	Pupils of public primary schools (country)	Pupils of non-public primary schools
Hot beverages	11	30	38
Lunch prepared at school	15	6	23

Source: Ministry of National Education.

353. On the basis of the information available, it can be noted that the possibilities for providing beverages or meals at school are greater than is apparent from the number of pupils using this form of assistance. Therefore, work is being undertaken to intensify activities aimed at counteracting the unfavourable phenomenon of undernutrition in children and youth.

354. In the Polish education system, there functions a legal system of protection and material assistance for children (and youth) studying at public schools who are in a difficult financial situation, as well as a system of promotion of particularly gifted children. Their aims are as follows:

To ensure, as far as possible, equal educational opportunities for all children and youth;

To diminish the inadequacies in the material conditions of schoolchildren and youth;

To create the possibility to continue learning and enter a chosen profession.

355. In the light of the increasing costs that parents of children attending school are having to bear, assistance in the form of scholarships constitutes significant support for a Polish family. It is mainly directed towards young persons at boarding schools and dormitories, eating meals in the canteens of these institutions, or eating in school canteens.

356. Particularly advantageous solutions were approved for young persons at boarding schools and dormitories and continuing their studies away from their place of permanent residence. The cost to students of meals in the school canteen or the boarding school or dormitory canteen is that of the raw materials; the cost of meals for children and foster children (at boarding schools and dormitories) are covered by the school budget (institution). The granting of material assistance to students is regulated by the Order of the Council of Minsters of 4 August 1993 concerning conditions, forms and procedures for granting material assistance to pupils and the amount of this assistance. It establishes and defines seven forms of services. They are as follows:

Social scholarships;

Scholarships based on academic results;

Scholarships of the Minister of National Education for outstandingly gifted students;

Scholarships of the Minister of Culture and Art for artistic attainments;

Accommodation at boarding schools and dormitories;

Possibility of having meals in the canteen of a school, boarding school or dormitory, or reimbursement of payments for services provided;

Compassionate allowances.

357. The following tables provide statistical data concerning benefits and services aimed at providing assistance to the family.

Table 20. Average social insurance cash benefits, 1989-1994

	1989	1990	1991	1992	1993	1994
Preceding year = 100						
Maternity allowances	270.3	720.0	207.8	156.3	139.6	133.2 a/
Child care allowances	131.8	1 341.9	220.7	137.0	143.2	133.8
Family and nursing allowances	508.2	349.7	180.9	135.1	107.8	104.2
Survivor's pensions	370.7	568.9	194.3	146.0	133.4	140.3 a/
Alimony fund benefits	154.3	409.4	729.3	215.6	136.5	128.8
% of average wage						
Child care allowances	6.5	17.4	22.6	22.3	24.3	24.4
Family and nursing allowances (average for a family)	16.8	12.8	13.2	13.2	10.8	8.5
Survivor's pensions	43.8	50.0	57.0	58.8	60.9	64.3
Alimony fund benefits	2.5	2.0	8.7	13.4	13.4	10.9

Source: Statistical Yearbook 1993, GUS; Statistical Yearbook 1994, GUS, pp. 212, 230. "Ważniejsze informacje z zakresu ubezpieczeń spolecznych" (More important information in the field of social insurance), 1994 ZUS (Social Insurance Institute), March 1995.

a/ Gross benefits.

Table 21. Number of beneficiaries of selected cash social insurance benefits, 1989-1994

No. of families entitled to family allowances (i) Number in thousands (ii) Preceding year = 100.0	1989	1990	1991	1992	1993	1994
Family allowances a/						
(without pensioners)		5 322.0 c/	5 309.0 c/			
(i)	5 243.0	5 365.0	5 372.0	5 260.0	5 017.0	4 893.0
(ii)	100.0	102.3	100.1	97.9	95.4	97.5
Child care allowances b/						
(i)	197.0	216.3	391.2	362.1	303.2	254.0
(ii)	102.1	109.8	-	106.4	83.7	83.8
Survivor's pensions					1 091.0	
(i)	1 001.0	1 015.0	1 032.0	1 064.0	102.5	1 121.0 c/
(ii)	-	101.4	101.7	103.1		102.7
Alimony fund benefits						
(i)	115.0	115.7	141.3	201.4	263.1	308.6
(ii)	100.3	100.6	122.1	142.5	130.6	117.3

Source: Statistical Yearbook 1993, GUS; Statistical Yearbook 1994, GUS (own calculations), Small Statistical Yearbook 1995, "Ważniejsze informacje z zakresu ubezpieczeń spolecznych" (More important information in the field of social insurance), 1994 ZUS (Social Insurance Institute), March 1995.

a/ Data until 1991 including individual farmers, from 1992 without individual farmers.

b/ For the years 1989-1991 - as on 31 December; for the years 1991-1993 - average annual figure (ZUS information).

c/ Data without individual farmers.

Table 22. Number of nurseries and kindergartens, 1989-1994

	1989	1990	1991	1992	1993	1994
Nurseries	1 553	1 412	1 033	818	694	643
incl. at establishments	315	236	53	14	8	a/
Kindergartens	12 676	12 308	10 972	10 102	9 671	9 516
incl. at establishments	1 663	1 403	668	a/	a/	a/

Source: Statistical Yearbooks 1993, 1994, GUS, Small Statistical Yearbook 1995.

a/ No information available.

Table 23. Number of children in nurseries and kindergartens, 1989-1994
(in thousands)

	1989	1990	1991	1992	1993	1994
Children aged 0-2 years	1 725.9	1 669.7	1 629.2	1 581.3	1 530.6	1 503.2 a/
Children in nurseries (aged over 1 year)	150.6	137.5	111.2	87.0	73.8	70.2
Children in nurseries for 1,000 children under 3 years of age	44	42	31	26	23	22
Children aged 3-6 years	2 669.3	2 560.2	2 452.2	2 342.9	2 257.9	2 235.5 a/
Children in kindergartens	921.0	856.6	750.2	789.6	768.2	780.2
Children in kindergartens for 1,000 children aged 3-6 years	340	328	299	332	334	348 a/

Source: Statistical Yearbooks 1993, 1994, p. 515. Small Statistical Yearbook 1995.

a/ Estimated figure.

Table 24. Changes concerning a number of institutions rendering social services (selected ratios)

Specification (i) Number (ii) Preceding year = 100.0	1988/89	1989/90	1990/91	1992/93	1993/94	1994/95
Primary schools						
(i)	18 241	18 283	17 653	16 841	16 621	13 999
(ii)	100.6	100.2	96.5	95.4	98.7	84.2
Non-state owned schools a/						
(i)	-	-	1 115	2 571	3 290	6 075
(ii)	-	-	-	230.6	128.0	184.6
Boarding schools						
(i)	1 693	1 681	1 630	1 525	1 486	1 444
(ii)	98.6	99.3	97.0	93.5	97.4	97.2
Dormitories						
(i)	388	389	393	397	405	405
(ii)	99.0	100.2	101.0	101.0	102.0	100.0

Source: Statistical Yearbooks (1990, 1991, 1992, 1994). Small Statistical Yearbook 1995.

a/ Including schools run by local governments.

Table 25. Changes concerning forms of material assistance for pupils and students

Specification	1989/90	1990/91	1992/93	1993/94	1994/95
Pupils receiving scholarships:					
General secondary schools					
In thousands	22.1	31.0	2.9	2.7	2.7
In % of pupils	5.4	7.0	0.3	0.9	0.5
Secondary schools					
In thousands	120.4	147.0	16.0	11.4	10.4
In % of pupils	10.6	9.8	1.1	0.7	0.7
Students receiving scholarships:					
In thousands	181.2	162.1	150.9	162.6	157.7
In % of students	63.2	54.3	42.9	42.6	38.1
Pupils in boarding schools					
In thousands	272.6	186.6	167.9	157.1	150.0
In % of pupils	-	-	-	-	-
Students in dormitories					
In thousands	114.3	122.5	126.0	131.1	134.9
In % of students	39.3	41.0	36.5	35.9	32.0
Students using canteens in thousands	72.3	65.4	53.1	54.4	58.6

Source: Statistical Yearbooks 1993, GUS, Small Statistical Yearbook 1995.

358. In evaluating the present system of family benefits (in cash and in kind), the following factors have to be taken into consideration.

359. In the transition period, certain demographic, social and professional phenomena had an influence on the range of family benefits provided: the birth rate decreased, including among working mothers, and the number of children is decreasing, particularly in the youngest age group (0-2 years of age and 3 years old) (see table 23).

Table 26. Live births, 1989-1994

	1989	1990	1991	1992	1993	1994
Live births in thousands	562.5	545.8	545.9	513.6	492.9	481.3
Preceding year = 100	95.7	97.0	100.0	94.1	96.0	97.6
Births to working mothers as a total percentage of all births	67.4	65.1	67.7	61.7	57.9	-

Source: "Demography": 1990, p. 160-161, 1992, p. 133; Statistical Yearbook of Demography, 1993, p. 184 and 1994, p. 156, GUS, Small Statistical Yearbook 1995.

360. A decrease in the number of women working, particularly employed women, is noted as the effect of significant unemployment among women. Most social services, particularly those connected with the protection of maternity, are linked with women's professional activity.

Table 27. Female employment, 1989-1994

Year	Employed women	Working women
1989	100.0	100.0
1990	90.3	92.6
1991	82.4	88.4
1992	79.5	86.3
1993	79.5	86.9
1994	-	84.0

Source: Statistical Yearbook 1994, GUS, p. 117. Small Statistical Yearbook 1995.

361. The rules concerning cash benefits introduce priority for families with lower incomes, at the same time excluding richer families from the circle of beneficiaries. Such an approach has its justification in the present variation in family incomes and the large number of families with low incomes, in a situation of limited State financial resources. Certain solutions evoke doubts. For instance, the non-authorizing of allowances for families with children at school over the age of 20, irrespective of their material situation.

362. Processes taking place at the organizational and financing levels of social welfare and educational institutions are causing differentiation in families' access to the services of these institutions. Some of these families, particularly low-income ones are completely giving up sending their children to the welfare and educational institutions (particularly nursery schools).

363. Differences are developing also in the standard of services provided by these institutions, depending on their financial possibilities. Moreover, poorer families are not making use of the complete range of services (for example, they limit their children's additional activities and even meals).

Protection of and assistance to children and adolescents

364. In accordance with the Act of 26 June 1974, the Labour Code, an adolescent (young person) is a person who is over 15 and no more than 18 years of age. It is not lawful to employ a person who has not reached 15 years of age. It is permissible to employ only these adolescents who have at least completed primary school and who present a medical certificate confirming that work of a particular kind is not dangerous to their health

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ECONOMIC AND SOCIAL COUNCIL

Substantive session of 1995

PROVISIONAL SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 July 1995 at 3 p.m.

President: Mr. GERVAIS (Côte d'Ivoire)

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OPERATIONAL ACTIVITIES OF THE UNITED NATIONS FOR INTERNATIONAL DEVELOPMENT COOPERATION (continued)

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

The meeting was called to order at 3.20 p.m.

OPERATIONAL ACTIVITIES OF THE UNITED NATIONS FOR INTERNATIONAL DEVELOPMENT COOPERATION (continued)

Discussion with representatives of field offices

The CHAIRPERSON introduced the representatives of field offices invited to participate in the discussion: Ms. Awori, Resident Coordinator of the United Nations Development Programme in Zimbabwe, Mr. Rahman, United Nations Children's Fund (UNICEF) representative in China and Mongolia, Mr. Arkutu, United Nations Population Fund (UNFPA) representative in Nigeria, and Mr. Jones, World Food Programme (WFP) representative in Ethiopia.

Ms. AWORI (United Nations Development Programme) said that the Government of Zimbabwe had agreed to the establishment of a country strategy note, which it considered as an effective instrument for achieving more effective management of the development assistance provided by United Nations agencies. The Government, which was engaged in preparing the third five-year development plan, considered that the note should be focused on the priority sectors brought to light during the review of the second five-year plan. Some of those sectors were appropriate areas for assistance from United Nations agencies, but the leading role played by the Government should not be sacrificed for the sake of expediency. The importance of coordination should not be underestimated, even though it was simplified considerably when a Government was in control of a situation and defined national priorities clearly. Coordination mechanisms had been put in place, for example monthly inter-agency meetings, thematic working groups, joint training in relation to HIV/AIDS and an inter-agency work plan. Examples of the programme approach were the Action Plan for AIDS, the National Family Planning Programme and the Poverty Alleviation Action Plan, all of which offered the various United Nations agencies, the World Bank, NGOs, bilateral organizations and the Government an opportunity to work together in programme formulation and implementation.

The lack of adequate resources often made planning difficult or gave rise to programme cuts. Not all agencies were authorized by headquarters to pay their full share of the cost of joint training or other activities. Owing to the continuous decline in development assistance funding, activities had been scaled down, projects left in abeyance and competition among the agencies intensified.

Mr. ARKUTU (United Nations Population Fund) said that he was encouraged by the interest generated in the system of resident coordinators and the desire to strengthen it. Although much still remained to be done to harmonize programmes and procedures and use resources more efficiently a great deal had already been achieved in a very short space of time and progress would continue to accelerate. The example of Viet Nam, considered at the previous meeting, remarkable though it was, was not unique. Other examples of cooperation between United Nations bodies, or between the United Nations and other donors, were provided by Nigeria, Ghana and the United Republic of Tanzania. Such cooperation would have been unthinkable five years earlier. It had undoubtedly been facilitated by the relevant Economic and Social Council and General Assembly resolutions, the coordination guidelines adopted by other bodies and the personal relations established between the representatives of the different agencies, but above all the unequivocal commitment of their governing bodies. However, efforts at coordination were hampered by financial obstacles, the lack of staff resources necessary to achieve decentralization and representation on the ground and the diversity of procedures, rules and operating styles.

While the idea of the country strategy note had given rise to a variety of reactions among countries despite the efforts made by UNDP and other organizations to promote it, the priority accorded to it depended on the national situation and external factors, which at times made any kind of long-term planning difficult.

Mr. RAHMAN (United Nations Children's Fund) said that in China UNICEF actively supported cooperation among the different United Nations agencies. The development assistance which the agencies provided for China was very small in comparison to national development outlays, and there was therefore every reason to increase its knock-on effect by coordinating programmes and activities. The implementation of General Assembly resolution 47/199 and the strengthening of the Resident Coordination System had enabled great progress to be made in programme coordination, as evidenced by three examples. Firstly, China was the country most seriously affected by Iodine Deficiency Disorder, with 40 per cent of the population at risk. In 1993, in cooperation with the World Bank, UNDP, UNICEF and WHO had held a high-level advocacy meeting which established a plan of action to eliminate the deficiency by the year 2000 and prompted a decision to iodize all edible salt by 1996. The iodization project had been supported by a $27 million loan from the World Bank and technical assistance from UNDP, UNIDO and UNICEF. UNDP, UNIDO and WHO also assisted the Ministry of Health in implementing the plan of action. Secondly, UNICEF, WHO and the Rotary Club, as well as various other donors, were helping the Chinese Government to achieve its aim of eradicating poliomyelitis by the end of 1995 through the twice-yearly organization of National Immunization Days, the provision of vaccines and training of health workers. Thirdly, in connection with the World Summit for Social Development, the Government had launched a huge poverty eradication programme for 80 million people living in abject poverty. Under the leadership of the Resident Coordinator, the member agencies of the Joint Consultative Group on Policy were therefore developing a model programme of poverty eradication in certain regions of the country, with each agency implementing programme activities falling within its competence. The experience gained from the project would be fed into national policy for the eradication of poverty.

Similar progress had been made in the implementation of the operational aspects of General Assembly resolution 47/199. While the preparation of a country strategy note was still under consideration, the Resident Coordinator, in consultation with all the agencies, had drafted an internal document on China's priorities and the support received from the United Nations system with regard to economic and social development. Ten thematic working groups had also been set up under the leadership of various agencies to discuss government policy, facilitate the coordination of development aid and harmonize the organization's programme cycles with China's Ninth Five-Year Plan.

Mr. JONES (World Food Programme) said that the international community's activities in Ethiopia were largely devoted to food aid, about a quarter of which was provided by WFP. In the absence of a country strategy note, the Programme had its own strategy which formed part of an overall national policy for disaster prevention and control. United Nations agencies worked well in Ethiopia, in particular when dealing with the chronic food shortage to which the country was subjected. UNDP, UNICEF, FAO, UNHCR and WFP held monthly meetings with donors, NGOs and Government representatives. Since the coordination mechanisms worked so well, the food crisis which Ethiopia had undergone in 1994 had been of a totally different order from that experienced in 1984. In future it would be necessary to retain those mechanisms despite the increasing shortfall in resources.

Ms. ALBRECTSEN (Denmark), addressing the representatives present, asked firstly for their view of the questionnaire which had been used to collect information for the three-yearly review of operational activities for development. In their opinion, which particular subjects should be included in the review? Did the field representatives think that more power and authority had been delegated to them, as requested by the General Assembly, and if so, how did they make use of it? Thirdly, did they consider that the guidelines and interpretations given with regard to the programme approach, national implementation, resident coordinators and country strategy notes were sufficient, or were they in need of improvement on the occasion of the three-yearly review? Finally, the UNDP and UNFPA governing bodies had decided to assess how the United Nations Development Fund for Women (UNIFEM) operated both at headquarters and on the ground. Had the representatives been able to form an idea of the Fund's activities on the ground, and could they indicate the particular aspects which, in their opinion, should be taken into consideration as part of the assessment?

Mr. DLAMINI (Observer for Swaziland), addressing the UNICEF representative, said that the Fund's Resident Coordinator in his country had done excellent work in respecting local cultural traditions, to which the population was very attached. UNICEF's decision to transfer the official in question, at a time when he had just launched a very important programme with the University of Swaziland, was, in the opinion of the country's authorities, extremely regrettable. He wished to know what criteria the Fund followed in reassigning its field representatives and, in that connection, to what extent it took account of the programmes under way in different countries.

With regard to WFP, which did very useful work in developing countries, in particular when such countries were faced with inflows of refugees, he wondered whether, in conjunction with its interventions in emergency situations, the Programme could not help countries, in particular Swaziland, to define a strategy enabling them to increase their food production sufficiently so as to be able, in the future, to avoid shortages and arrange for the transfer of agricultural and food production techniques which they needed.

Turning to the role of UNDP, he said that in countries where resident coordinators served, they must adopt as neutral a stance as possible, refrain from disseminating all forms of foreign ideology and not interfere in local politics. Of course, sound management of public affairs was essential, but resident coordinators could not replace national authorities in establishing priorities for assistance programmes. It was the task of sovereign Governments to take that kind of decision.

Mr. PAES SABOIA (Brazil) expressed regret that the United Nations funds, programmes and specialized agencies operating in Latin America were not represented among the participants in the debate. Given the particular implementation methods of the United Nations agencies' programmes in the region, where for example there was a very large number of cost-sharing agreements and where NGOs were often closely involved in project implementation, it would have been interesting for staff members of the United Nations agencies serving in Latin American countries to provide the Council with details of their experience.

The problem of coordination existed on two levels: within United Nations agencies and in the Government. However, the Government was not a single entity. Responsibilities were shared between various ministries, and often also between the central administration and local communities. In order to guarantee the required level of coordination, it therefore seemed essential for the Government to entrust a specific body with the task of serving as an intermediary with the different United Nations agencies. He wished to know the opinion of the representatives of United Nations programmes, funds and specialized agencies on the matter and, in particular, whether resident coordinators had already assisted Governments in setting up coordinating bodies of that kind.

Ms. AWORI (United Nations Development Programme), responding firstly to the question asked by the representative of Denmark, said that during the forthcoming three-yearly reviews, it would perhaps be necessary to try to obtain more information from users themselves, and in particular to ask the Governments to give their opinion on coordination between the different United Nations agencies.

Turning to the question raised by the Brazilian delegation, she said that in Zimbabwe each agency was in contact with the competent ministry, and that all the ministries reported to a ministry responsible for the coordination of aid programmes. It was very important for the representatives of United Nations agencies at country level to work in close cooperation with the technical ministries. In their role as team leaders, resident coordinators became involved above all when problems arose between the United Nations agencies and the technical ministries or the ministry responsible for coordination.

The new guidelines for drawing up country strategy notes, which field staff had helped to prepare, were more concise and more user-friendly than the previous ones, and entirely satisfactory. The same was true of the guidelines covering the programme approach.

With regard to UNIFEM, she pointed out that given the extent of needs and the limited resources available for dealing with them, the Fund, whose Regional Office for southern Africa and eastern Africa was in Zimbabwe, faced a difficult task. At all events, UNIFEM was considered to be an extremely reliable organization and UNDP frequently made use of its services for all issues concerned with the productive role of women.

Mr. ARKUTU (United Nations Population Fund), responding to the question asked by the Danish delegation on the transfer of decision-making powers to field offices, said that the decentralization process launched by UNFPA about five years earlier was already very well advanced, since 80 per cent of all projects were currently approved by field offices. However, that process, in addition to the development of the national implementation approach, increased the offices' workload considerably. The need to strengthen their capacity was therefore becoming urgent.

The transfer of decision-making powers followed precise rules, and a series of safeguards and checks had been planned in order to avoid irregularities and ensure that the programmes approved and implemented by the field offices were in keeping with the decisions taken by the Executive Board.

Thus, all programme accounts were audited during the implementation phase. The results of the decentralization process were thus far extremely positive.

With regard to the coordination of aid programmes by Governments, he pointed out that although UNFPA programmes and projects were developed with the competent technical ministries, the agreements relating to their implementation were always concluded with the body responsible for coordination, i.e. in most cases the planning ministry. Furthermore, all the meetings held to review progress made on the projects and the implementation of country programmes were chaired by a representative of the ministry responsible for coordination, which was thus regularly informed of the requests made to UNFPA by the other ministries and all the activities conducted on the ground.

Mr. RAHMAN (United Nations Children's Fund), referring to the transfer of the Fund's representative serving in Swaziland, said he was certain that the authorities at headquarters had taken good note of the concerns expressed by the country's representative.

The methods used for the inquiry into operational activities and their coordination had proved to be satisfactory. The questionnaire sent to staff away from headquarters had enabled a fairly general but reliable store of information to be collected. However, it was regrettable that it had not been possible to test the questionnaire by sending it firstly to a sample of field offices from different agencies which could have made suggestions regarding possible improvements.

As regards UNIFEM, he could only say that the Fund had recently opened an office in China and that he himself was cooperating very actively with the UNIFEM representative in China as part of the preparations for the World Conference on Women to be held in Beijing.

With regard to the coordination of aid programmes by Governments, the procedure was as described by the UNFPA representative. Although programming and planning activities for the different projects were conducted in cooperation with the competent ministries, there was always a Government ministry responsible for coordinating all aid programmes and ensuring that such programmes were compatible. In China, for example, such matters were dealt with by the Ministry of Foreign Trade and Economic Cooperation.

Mr. JONES (World Food Programme), responding briefly to the question raised by the representative of Swaziland on the forms of aid which the Programme could provide for his country, said that WFP intervened above all in cases of serious shortages and emergencies in order to guarantee adequate food supplies to the most destitute who were threatened by famine. However, it also endeavoured to assist countries outside periods of crisis by undertaking different projects designed to promote job creation, stockpiling of food reserves and so on.

Mr. MACHIN (United Kingdom) noted that despite undoubted progress, much still remained to be done to achieve the best possible coordination of operational activities for development conducted by United Nations agencies. He wished to know what, in the opinion of the representatives of the specialized agencies, programmes and funds participating in the discussion, the main obstacles were to the strengthening of coordination and what they considered to be the most effective measures for its rapid improvement.

Mr. FETZER (Germany) pointed out that follow-up and evaluation activities were extremely important so as to be able to judge the effectiveness of the programmes and projects implemented at country level and assess their contribution to the national development process; they must not only enable observations to be made, but above all lessons to be learnt from the experience gained and improvements to be made with the benefit of hindsight, to the activities conducted in support of development. He wished to know whether, in the opinion of the representatives of the specialized agencies, programmes and funds participating in the discussion, the monitoring and evaluation mechanisms in place were satisfactory or whether they believed it was necessary to improve them and, where appropriate, what the most urgent reforms necessary were in that regard.

Ms. VOLKOFF (Canada) wondered whether the United Nations agencies had made every effort to harmonize not only their programming cycles but also their ways of handling country programme reviews, and whether their representatives in the field had sought to standardize the procedures that were to be followed in that respect, the diversity of which was certainly a source of confusion for Governments.

She also wished to know whether in the countries where they were posted the participants had had occasion, when there was a particularly important problem that called for a decision from headquarters, to join forces with their counterparts from other organizations and make joint representations to their respective headquarters, so that those representations would carry greater weight.

Mr. TALIKAWU (Uganda) said that the establishment of the country strategy note system was a cumbersome process to set in motion, especially for the least developed countries. That was why those countries had for the most part still not made it one of their priorities. He asked whether the lack of a country strategy note was likely to be a factor that would limit injections of aid from the United Nations system; if so, could the UNDP Resident Coordinator perhaps help to compensate by means of a country strategy outline?

The principle of national implementation produced excellent results on the ground, but a lack of domestic capacity limited the opportunities for national authorities to take charge of programmes and projects. How did resident coordinators intend to solve the problem, especially in the least developed countries, at a time when the programme approach was to become more generally used?

Ms. AWORI (United Nations Development Programme) said in answer to the representative of the United Kingdom that resident coordinators enjoyed fairly wide freedom of action and did not suffer excessively from constraints imposed by headquarters. But decentralization would clearly be more fruitful, and resident coordinators would be able to take quicker decisions if available resources enabled them to be given broader financial autonomy.

In response to the representative of Germany, she said that in Zimbabwe monitoring and evaluation had not so far been given the attention they deserved. UNDP was currently doing what it could to remedy that shortcoming. For that purpose it needed reliable basic data and had embarked on gathering the desired information. Likewise, UNDP had still not attached sufficient importance to periodic reviews of the Zimbabwe country programme. But preparations for the interim review were well under way, and it had been agreed that in that context all agencies working in Zimbabwe would turn their attention to the country programme.

Sometimes the United Nations agencies approached their headquarters as a team. However, each agency conducted its own programming, since it managed its own resources. That was where the country strategy note should be most useful because it would mean that it was possible to take an overall view of the tasks to be undertaken. It was also where budget reductions risked seriously undermining the credit of the United Nations system as a whole.

Mr. JONES (World Food Programme) said the WFP was only just beginning to operate the programme approach, and the corresponding mechanism would not be in place before 1996. It was still too soon to say whether it would produce positive results for an agency such as WFP.

In Ethiopia the situation had required the organizations present on the ground to get together and deal collectively with headquarters. The disaster management team set up by WFP had been given the task of collectively briefing donors, the rest of the international community and headquarters.

Mr. ARKUTU (United Nations Population Fund) pointed out to the representative of Germany that it was difficult to monitor and evaluate the global effect of development assistance programmes. UNFPA might not have found the perfect method, but it relied on the directives received and systematically applied the monitoring mechanisms specified at country level, in the shape of tripartite reviews, annual meetings with certain other agencies operating on the ground, evaluations conducted in the country itself and in-depth evaluations at headquarters. Various independent evaluations were also conducted from time to time. UNFPA was therefore kept continuously informed of the results obtained.

He explained to the representative of Uganda, who had referred to the paucity of resources available to some countries to adopt fully the principle of national implementation, that UNFPA was engaged in enhancing the capacities of countries by in-country training and also by organizing out-of-country training; it also operated intercountry training.

UNFPA took care to harmonize its action with that of the various other aid organizations, such as UNICEF, by carefully studying the basic documents in which they set out their own programmes.

Mr. RAHMAN (United Nations Children's Fund), replying to the representative of the United Kingdom, said that coordination at country level had improved considerably in the past 12 years or so. Progress had been such that it might even be necessary to exercise caution lest the concern for coordination turn into an obsession and end up reducing the activities of the Resident Coordinator to a state of paralysis. He suggested that it might be worth defining the minimum desirable level of coordination. Ways of strengthening the United Nations development system would henceforth involve the recruitment of talented individuals rather than coordination. As for ways of improving coordination with the specialized agencies, it was for the Council to pinpoint them.

Replying to the delegation of Canada, he said that a periodic review of the country programme for China had been conducted in 1993, before the new programming cycle had begun. All agencies operating on the ground had taken part in it, and the exchanges had been very fruitful.

He told the representative of Germany that UNICEF was systematically and regularly carrying out monitoring and evaluation exercises to gauge the effects of its programmes, the scope and objectives of which were defined in a very precise manner. The investigations and assessments were undertaken at various levels, with evaluations being made of each project and programme. UNICEF had continuous access to information on the results of its activities.

The crucial problem remained that ever greater demands were made on the aid agencies, but they had fewer and fewer resources at their disposal to meet those demands.

Ms. AWORI (United Nations Development Programme) said in reply to the representative of Uganda that in Zimbabwe UNDP had been at pains to ensure that the adoption of the principle of national implementation did not put an excessive burden on the national authorities. UNDP currently favoured broader application of that principle through its adoption by donors.

In her capacity as a Resident Coordinator, she had become accustomed to taking on many coordination tasks. Her heaviest responsibility was that of fund-raising.

Mr. CONTINI (France) observed that at the previous meeting the Resident Coordinator in Cambodia had said that UNDP publications were distributed in Viet Nam in Vietnamese and English. He wished to remind UNDP representatives on the ground of the need to respect the multilingualism of the United Nations.

He asked how resident coordinators, in determining priorities, were applying the decisions of the UNDP Governing Council and whether or not they took account of the new methods of action which had been adopted, and also how they were negotiating with Governments to ensure that the directives were applied. He also asked Ms. Awori how, once the next programming cycle was in operation, she was going to be able to allocate 20 per cent of resources for national implementation in Zimbabwe.

Ms. ROUCHET (United Nations Educational, Scientific and Cultural Organization) said that the types of coordination and collaboration to be found on the ground were very varied. While UNESCO had no permanent representation in Viet Nam, it had undertaken a sectoral analysis there in collaboration with UNDP on the subject of education and human resources. It was employing 80 Vietnamese in that work, and confined itself to the role of a background player in support of the Government of Viet Nam. The key factor as she saw it was to ensure that there was complementarity of activities. It was that issue of permanent interaction which the Council would benefit from going into more thoroughly.

Mr. BRUN (Norway) noted that some field representatives had not replied to the question asked by the representative of the United Kingdom about the constraints that hampered cooperation. Did they consider that the principal obstacles were due to insufficient decentralization and the absence of guidelines?

The General Assembly had authorized the UNDP resident coordinators to play the leading role in emergency situations. Had that role been defined with sufficient clarity? Were the instructions given to the resident coordinators on reporting lines clear enough?

Mr. OJIMBA (Nigeria) considered that it would be a mistake to entrust cooperation and coordination on the ground exclusively to a single institution. In his opinion coordination was automatic once the institutions in question were assured of being given sufficient resources to operate.

Mr. SHIBATA (Japan) said that to judge from the replies that had been given, great progress had been made in the area of coordination, and lack of resources would appear to be the only obstacle. He would like to know whether coordination, both within the United Nations system and with the World Bank, the other donors and non-governmental organizations (NGOs), was as satisfactory in the other countries as it seemed to be in Viet Nam, and whether the United Nations agencies were participating in the meetings of consultative bodies. He also asked in what way the United Nations system might be more closely associated with drawing up structural adjustment programmes, with a view in particular to making sure that there was a social safety net to mitigate their adverse consequences. According to the Secretary-General of the United Nations, the World Food Programme would henceforth be dealing more with emergency aid operations than with food security. What would then happen to the necessary continuity between emergency operations and development?

Mr. ARKUTU (United Nations Population Fund) said he had not wished to give the impression that everything to do with coordination was operating perfectly, but he had emphasized that progress was being made more rapidly than had been envisaged, even if it varied from country to country. The lack of resources was clearly not the only obstacle to coordination at country level; there were others relating in particular to the degree of decentralization on the ground and the diversity of the procedures being followed by the different organizations. The way UNFPA operated was very different from that of UNICEF or WFP, and that gave rise to some constraints; for example, in Nigeria UNICEF had four regional offices in addition to its main office in Lagos, and each one was bigger than the one UNFPA office. So the Resident Coordinator could not participate in all the meetings on the various different matters.

Participation by United Nations agencies in meetings of consultative bodies had recently increased, especially in the case of Viet Nam, but it was important not to lose sight of the fact that the United Nations system had also played a major role in coordinating assistance in the past, especially in Zimbabwe or Namibia when those countries had gained their independence. As for the participation of United Nations agencies in the formulation of structural adjustment programmes, such programmes gave rise to highly technical discussions that were enveloped in a degree of mystery and hardly lent themselves to participation of that kind.

Mr. JONES (World Food Programme) said that as far as WFP was concerned the introduction of programming should mean that the matter of insufficient decentralization noted by the representative of Norway could be remedied. However, the key question was not decentralization of administration and personnel management but decentralization of the power to use resources with flexibility.

Normally the Resident Coordinator saw to the management of humanitarian aid, and that principle was accepted by all agencies. The Resident Coordinator, moreover, represented the Department of Humanitarian Affairs when DHA had no local office. However, the situation was more complicated in cases where there were transboundary problems such as in Pakistan, from where the situation in Afghanistan was handled. Matters also had to be clarified when the Secretary-General appointed a special representative.

Contrary to what the representative of Japan had understood, WFP continued to have as its mission efforts to support economic and social development through food aid, even if emphasis seemed to be placed increasingly on emergency operations. The Government of Ethiopia had arrived at the conclusion that the provision of food for work in food deficit areas enabled emergency situations to be addressed while at the same time ensuring recovery and development, and therefore fitted into a continuum.

Ms. AWORI (United Nations Development Programme) said she intended to present to the Government of Zimbabwe the new programming system recently adopted by the UNDP Executive Board, and would take note of its reaction. Being still very busy with the end of the fifth programming cycle, she was not yet in a position to reply to the question put by the representative of France.

UNDP was very closely associated with structural adjustment processes, which in general it preferred to call reform processes. In Zimbabwe UNDP was supporting the Government's programme of economic reforms and was involved in a number of projects. It was also encouraging the Government to demonstrate greater openness when structural adjustment measures or economic reforms were being drawn up, in other words not to confine itself to discussing them with the international financial institutions but to ensure the involvement of the population, who in the final analysis would bear the burden. It was not the role of the United Nations system to follow behind the financial institutions and set in place social safety nets. At present the Regional Office for Africa was preparing the resident coordinators to take part in the consultative group meetings.

Mr. LEENSTRA (Netherlands), noting that in Zimbabwe the UNDP Resident Coordinator was devoting much of her time to mobilizing funds, wanted to know in detail the kind of difficulties she was encountering. While she was not supposed to be engaged in selling, the quality of the work that was done and the effectiveness of the programmes nevertheless constituted a powerful argument to attract funds. It would be worth knowing how the United Nations agencies were demonstrating their usefulness at the country level, and how their role could be made more visible by pinpointing the areas in which they were indispensable.

Mr. KELLOWAY (Australia) wanted to return to the subjects of monitoring and evaluation. There was a need to determine the global impact of the activities carried out by the United Nations system, in other words to find out whether the activities that were implemented on the ground were successful. It was not merely a matter of drawing lessons from projects in order to apply them to the planning of new operations; rather, it was the actual value of the action taken by the United Nations on the ground. In terms simply of the volume of the resources committed, the United Nations system was dwarfed by the World Bank in most countries, and in some it was dwarfed by bilateral organizations. Consequently, he would like to hear reports from representatives of field offices on their experience in the various countries.

Mr. JONES (World Food Programme), replying to the representative of Australia, recalled that almost 1 million people had died of hunger in Ethiopia in 1984. At the beginning of 1994 some 7 million Ethiopians had been once again threatened by famine, but by the end of that year the Government was stating that the famine had been averted, although there had been several thousand victims. The United Nations system had played an important role in achieving that outcome.

Mr. ARKUTU (United Nations Population Fund) said that some 15 years previously only two countries in sub-Saharan Africa had had an official population policy; that figure was now 80 per cent, and gave some idea of UNFPA's influence. There had also been a considerable increase in awareness in sub-Saharan Africa of the relationship between population and development issues. That was not solely due to the activities of the Fund, but it had played a prominent role in encouraging such awareness and helping countries to draw up and implement programmes to solve their population problems, taking account of their own situations and priorities.

Ms. AWORI (United Nations Development Programme) said that in order to measure how successful its activities had been UNDP endeavoured to determine the extent to which it was assisting governmental and other national entities to focus on a critical problem and then to apply themselves to solving it. In Zimbabwe, for example, the Government was implementing a wide-ranging programme in the area of the environment and another on the management of water resources, but it had at first neglected the question of water storage; UNDP was therefore doing everything it could to make the Government aware of the problem, drawing up an action plan which would deal with it and then getting other donors interested, because it did not have the resources necessary to finance the plan completely. The extent to which UNDP managed to attract other donors was another criterion for evaluating its success.

Mr. RAHMAN (United Nations Children's Fund) said that the question asked by the representative of Australia was both interesting and complex, since it involved the question of evaluating actions above and beyond the immediate impact of programmes and considering the influence a given agency had at country level. UNICEF's contribution in China, where a fifth of the world's children were living, was minimal in absolute value, but the Fund's activities there were noteworthy. UNICEF had succeeded in persuading the Government to launch a national programme for children to the year 2000, which set out very clear objectives. UNICEF had also encouraged the adoption of legislative measures to give effect to the Convention on the Rights of the Child. Many other multilateral bodies, including the World Bank, approached UNICEF for technical assistance, advice or support for their programmes. UNICEF's modest pilot projects were sometimes the basis for larger-scale projects, as had been the case with a maternal and child health project which the World Bank had extended to eight Chinese provinces, or the elementary and primary education programme which had been launched in collaboration with UNESCO and which the World Bank had extended into seven provinces. Finally, UNICEF had access to those responsible for drawing up policies, and it was consulted on matters concerning children. Its influence was therefore far from being negligible, bearing in mind the relative modesty of its contribution.

Mr. KELLOWAY (Australia) said it was clear from the replies which had been given that the real value of the activities carried out by the United Nations system had little to do with the size of the financial contributions, and that it was therefore necessary to acquire more information about the nature of actual contributions at country level and the precise content of the activities implemented by the various organizations. The figures were always relative and had to be put in perspective; the examples that had been cited were not without interest, but the question should be studied in much greater depth.

Mr. PAES SABOIA (Brazil) added that it was also necessary to evaluate the effectiveness of bilateral cooperation. It was possible to find out what was happening in one's own country on the bilateral level, but in other countries it was more problematic. In the United Nations system everyone had his say, and that was not the case in the bilateral context; there was much to be done to improve both multilateral and bilateral cooperation.

The meeting rose at 6.05 p.m.